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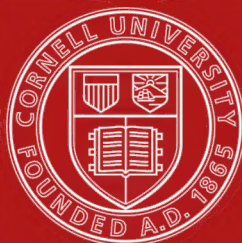
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THE
STATE RECORDS
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NORTH CAROLINA.

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COLLECTED AND EDITED
BY
WALTER CLARK,
ONE OF THE JUSTICES OF THE SUPREME COURT OF N. C.

VOL. XX—1785-'88.

NASH BROTHERS,
BOOK AND JOB PRINTERS,
GOLDSBORO, N. C.
1902.

PREFATORY NOTES.

In this volume will be found the Journals of the Senate for the session of November, 1785, and of both the House and Senate for the session of 1787, and of the Senate for the session of 1788: together with interesting correspondence for the year 1787.

The movement to remedy the defects of the Articles of Confederation which took shape in 1786, led in 1787 to the Philadelphia Convention that framed our existing Federal Constitution.

Some of the States appointed delegates to a convention that met in Annapolis in September, 1786, for the purpose of considering amendments to the Articles of Confederation in respect to trade and commerce.

That convention convened, and not waiting for all the delegates appointed to reach Annapolis, passed a resolution suggesting a convention with more ample powers, to be held in May, 1787, at Philadelphia.

Pursuant to that recommendation the General Assembly of North Carolina, which held an adjourned session at Fayetteville in January, 1787, appointed Governor Caswell, Alexander Martin, Davie, Spaight and Willie Jones as delegates from this State to attend such a convention, should it be held.

Willie Jones, however, on being notified of his appointment, replied that it was doubtful whether he could attend at that time; and because it was a matter of so much importance that it must necessarily require the fullest representation, he begged that some one else should be appointed in his place; and Governor Caswell thereupon appointed Hugh Williamson.

In February Congress, acting on the recommendation of the Annapolis Convention, passed a resolution convening the proposed convention; and that body accordingly met in May at Philadelphia, and George Washington, a delegate from Virginia, presided over its deliberations. The members were sworn to secrecy, so our delegates, in their correspondence with their friends in North Carolina, could

not keep them advised as to the progress of the matters under consideration, or, indeed, as to the lines of action. On June 14th, however, our delegation united in a letter to Governor Caswell, in which they mentioned: "Though we sit from day to day, Saturdays included, it is not possible for us to determine when the business before us can be finished. A very large field presents to our view without a single straight or eligible road that has been trodden by the feet of nations. An Union of Sovereign States, preserving their civil liberties, and connected together by such ties as to preserve permanent and effective governments, is a system not described: it is a circumstance that has not occurred in the history of men. If we shall be so fortunate as to find this indescript, our time will have been well spent."

On the 20th of August, Colonel Martin wrote that "the Convention, having agreed on some great principles in the government of the Union, adjourned for a few days, having appointed a committee of five to detail, or render more explicit, the chief subjects of their discussion. On the report of these gentlemen the Convention met again, and are now employed taking up the same, paragraph by paragraph; and so slow is the progress that I am doubtful the business will not be fully reduced to system before the middle of September next, if then." On the 17th of September the Convention, however, did finish their work, and reported it to Congress. Eleven days later Congress adopted a resolution submitting it to the several States—to be considered and acted on by State conventions called for that purpose.

Immediately after the removal of the seal of secrecy, our North Carolina delegates joined in a letter to Governor Caswell detailing the substantial features of the proposed constitution. That letter is of considerable historic interest. They refer to their severe and painful application and anxiety during the four months' session of the Convention, and assure the Legislature that no exertions have been wanting on their part to promote the particular interests of North Carolina. They say that the Northern States yielded to the wishes of the Southern States in some particulars in exchange for the power vested in the hands of the National Government to regulate commerce. In regard to the few representatives in Congress accorded to

our State, they throw some light on our small representation by adverting to the fact that our delegates in Congress have not been zealous to magnify our population because our quota of the national debt would have been increased; and they point to the advantages of uniform taxation secured by the proposed Constitution.

As indicating the necessity of action early in December, our delegates in Congress being in attendance on the Legislature, made an address on the condition of the country. They declared that we are on the eve of bankruptcy and the total dissolution of government. Doubtless these views were largely shared by the thoughtful men of that day.

Copies of the proposed Constitution being submitted to the States on December 5th, the two houses of our Legislature met in joint conference, Elisha Battle being chairman, and having taken into consideration the proposed Constitution, recommended to the people to elect delegates to a State Convention to pass on the same, and fixed the time for holding the Convention on the third Monday in July, 1788.

Accordingly the Convention met at Hillsboro at that time, and, as is well known, merely declined to act, but suggested amendments. A sufficient number of other States, however, adopted the Constitution to give it effect among the States ratifying it, and the first Presidential election was held and the first Congress met while North Carolina was out of the Union. But eventually our Legislature called another convention, which sat at Fayetteville, and on the 21st day of November, 1789, ratified the Constitution, sundry important amendments having been recommended and substantially adopted.

The Confederation went into effect in 1781. In seven years its inefficiency was demonstrated and the new Union supplanted it. Thus was instituted our present Federal government, the outgrowth of the old Confederation, but a new departure in an untried field. It was called the great experiment, but it has proved to be wonderfully perfect and admirably adapted to the needs of the American States. Under its influences our country has expanded to the Pacific Ocean, and independent States have risen in the remote wildernesses of the continent: and government has never sat more lightly than on the American citizen. It is to the credit of North Carolina that

in the Philadelphia Convention her delegates gave the most important casting votes that secured the adoption of the most admirable features of the Constitution; while the position taken by the State at the Hillsboro Convention tended to secure the very important amendments that remedied some of the defects of the original instrument.

The Hillsboro Convention was also empowered to select a place for the permanent seat of government for the State; and the steps then taken led to the selection of a site for the capital city near Bloomsbury, as Wake Court House was called.

Population had largely increased across the mountains; and in the fall and winter of 1786, a land office having been opened by the Franklin Government within the territory occupied by the Indians, the savages became very hostile. Troops were being raised in February, 1787, to go to the assistance of the settlers, and a road was to be cut beyond the mountains to expedite transportation. By April it was expected that these troops under Major Thomas Evans would reach the lower part of the Clinch river, and would begin the road through the wilderness. But there was the usual delays, and an expedition under Major Logan, from Holston, having penetrated into the Indian country, the savages rose and cut off quite a number of whites. It would seem that the settlers had enough to occupy them. Determined not to submit to the State of North Carolina, they were preparing to maintain their separate government, although the population was divided in their opinions. Some adhered to the parent State—while the bulk of the people proposed to set up for themselves at every cost. Governor Caswell very adroitly sought to pacify them, and induce a submission to established authority, declaring that their separation would not be long delayed, when they should become able to support a government: but for a time all his arts failed, and at this time there was in operation a dual government out in that wilderness, one under the authority of North Carolina, the other upholding the State of Franklin.

By August, Major Evans, with seventy-six men, had gotten well into the wilderness, but was delayed by the necessity of cutting the road. On November 10th he wrote that without any money and with little stores, he had performed a march of four hundred miles through a wilderness and in a strange country, where no supplies could

be had either on public or private credit. He had marched to Kentucky, and there he furloughed his men—so that they might work for sustenance—but, agreeably to his orders, they had all reported to him at Nashville.

It was understood that Spanish and French influences, for Spain and France held dominion along the Mississippi to the Great Lakes, were exciting the Indians of the interior to check the advance of the English-speaking people to the westward, and were supplying the hostile savages with arms and ammunition. And the aggressions of the settlers on the Tennessee and French Broad met with swift retribution from the tomahawk. In the turmoil arising from this border conflict, the division of the people in regard to their home government was an element of weakness, and the leaders eventually entered into an agreement that seemed to recognize the validity of both governments—and opened the way for a complete restoration of the authority of North Carolina across the mountains.

RALEIGH, N. C.,
20 May, 1902.

Walter Clark

THE STATE RECORDS OF NORTH CAROLINA.

1785.

JOURNAL OF THE SENATE COMMENCING THE 19TH NOVEMBER, 1785.

STATE OF NORTH CAROLINA,

IN THE SENATE, 19 NOVEMBER, 1785.

At a General Assembly begun and held at New Bern on the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty-five, and of the Sovereignty and Independence of the United States of America the Tenth, it being the first session of this Assembly.

The returning officers for several of the Counties within the State certified that the following persons were duly elected to represent such Counties in the Senate, vizt.:

For Anson,

Beaufort,

Bertie,

Brunswick,

Bladen,

Burke,

Craven, James Coor;

Chowan,

Currituck, Willis Etheridge;

Carteret, John Easton;

Chatham, Ambrose Ramsey;

Cumberland, Thomas Armstrong;

Camden, Isaac Gregory;

Caswell, Dempsey Moore;

Dobbs, John Herritage;

Duplin, James Gillespie;

Davidson, Anthony Bledsoe;

Edgecombe,
Franklin,
Guilford, Alexander Martin;
Granville, Howell Lewis;
Gates, Joseph Riddick;
Greene,
Halifax,
Hertford,
Hyde, Abram Jones;
Johnston, Arthur Bryan;
Jones, Frederick Hargett;
Lincoln, Robert Alexander;
Mecklenburgh,
Martin,
Montgomery, Samuel Parsons;
Moore,
Northampton,
New Hanover,
Nash, Hardy Griffin;
Onslow,
Orange, William McCawley;
Pasquotank, Thomas Relfe;
Perquimans,
Pitt, John Williams;
Rowan,
Randolph, Edward Sharpe;
Richmond,
Rutherford, James Miller;
Surry, John Armstrong;
Sullivan,
Sampson, Richard Clinton;
Tyrrell, John Warrington;
Wake,
Warren,
Wilkes, Benjamin Herndon;
Washington,
Wayne, Burwell Moring.

Pursuant to which the following gentlemen, to-wit: The Hon-

ourable Alexander Martin, Esquire, James Coor, John Warrington, John Herritage, James Miller, Frederick Hargett, Isaac Gregory, Joseph Riddick, Hardy Griffin, John Williams, Burwell Moring, John Easton, Thomas Relfe, Abraham Jones, Benjamin Herndon, Willis Etheridge, John Armstrong, William McCawley, Demsey Moore, Ambrose Ramsey, Howell Lewis, Thomas Armstrong, Richard Clinton, Anthony Bledsoe, James Gillispie, and Edward Sharpe, Esquires, appeared, qualified agreeably to Law, and took their seats.

Mr. Coor proposed for Speaker the Honourable Alexander Martin, Esquire; who was unanimously chosen and conducted to the chair.

On motion, John Haywood was appointed Clerk, and Sherwood Haywood Assistant.

William Murphy and Nicholas Murphy Door-Keepers.

On motion of Mr. Gillispie, seconded by Mr. Hargett, Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate being now formed are ready to proceed on the public business.

On motion, agreed that General Gregory, Mr. Williams, Mr. Easton, Mr. Hargett, Mr. Miller, Mr. McCawley, and Mr. Herndon be a Committee of Privileges and Elections.

Reed. from the House of Commons the following Message:

Mr. Speaker and Gentlemen:

We have received the Message of your House acquainting us you are ready to proceed on the public business, in answer to which we inform you that we are also ready to proceed on the same business.

On motion of Mr. Coor, seconded by Mr. Hargett, Resolved, That the following message be sent to his Excellency the Governor, first being approved of by the House of Commons, vizt.:

To His Excellency Richard Caswell, Esquire, Governor, Captain General and Commander-in-Chief in and over the State of North Carolina:

SIR:

The General Assembly being now convened inform your Excellency they are ready to receive such dispatches and other communications you may have to lay before them.

Ordered that the foregoing, together with the foregoing message, be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that the message herewith sent you be presented his Excellency the Governor; Should it meet your approbation Mr. Herritage and Mr. Harget will, on the part of this House, attend him with the same.

Adjourned until Monday Morning next, 10 o'clock.

MONDAY, 21 November, 1785.

The House met.

Mr. John Macon, the member for the County of Warren; Mr. Elisha Battle, the member for the County of Edgecombe; General McDowell, the member for the County of Burke; Mr. John A. Campell, the member for the County of New Hanover; Mr. Benjamin McCulloch, the member for the County of Halifax; Mr. Thomas Hines, the member for the County of Wake, and General William Skinner, the member for the County of Perquimans, appeared and presented their respective certificates, which being read, they were qualified agreeably to Law and took their seats.

Recd. from the House of Commons the following Message:

Mr. Speaker and Gentlemen:

This House propose that a joint Committee be appointed to consider of and report the best and most expeditious mode by which the laws and Journals may be printed, and have for that purpose on their part, appointed Mr. Williamson, Mr. Nash, Mr. P. Hawkins, Mr. Thomas and Mr. Blount.

This message being read, Resolved, That General Skinner, Mr. Campbell and Mr. Gillispie act on this Committee; Whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

General Skinner, Mr. Campbell and Mr. Gillispie will, on the part of this House, act with the Gentlemen by you appointed to consider of and report the best mode by which the Laws and Journals may be printed.

Recd. from the House of Commons a Bill to enable the several

religious Denominations in this State to appoint Trustees, who shall be a body corporate for the purposes therein mentioned. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Samuel Lockhart, the member for the County of Northampton, appeared and presented his certificate, which being read, he was qualified agreeably to law and took his seat.

On motion of Mr. Gillispie, seconded by Mr. Campbell, Resolved, That Mr. Macon, Mr. Gillispie, Genl. Skinner, Mr. Battle and Mr. Clinton be a Committee of Propositions and Grievances.

Whereupon, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate have appointed Mr. Macon, Mr. Gillispie, General Skinner, Mr. Battle and Mr. Clinton on their part, a Committee of Propositions and Grievances, who will act jointly with such Gentlemen as you may think proper to appoint for that purpose.

On motion of Mr. Macon, seconded by Mr. Coor, Resolved, That a Committee of Claims be appointed consisting of members from each District in the State, and that on the part of this House the said Committee be composed of the following members, vizt.: Mr. Harget from the District of New Bern, Mr. Macon from the District of Halifax, General Ramsey from the District of Hillsborough, Mr. Armstrong from the District of Salisbury, General Gregory from the District of Edenton, Mr. Clinton from the District of Wilmington and General McDowell from the District of Morgan. Whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that a Committee of Claims be appointed consisting of members from each District in the State, and have on our part for that purpose appointed Mr. Harget from the District of New Bern, Mr. Macon from the District of Halifax, General Ramsey from the District of Hillsborough, Mr. Armstrong from the District of Salisbury, General Gregory from the District of Edenton, Mr.

Clinton from the District of Wilmington, and General McDowell from the District of Morgan, who will act jointly with such of your body as may be appointed for that purpose.

Mr. Macon presented the Claims of Edison Harris and Thomas Turner of Warren County, for Certificates lost, which being read were referred to the Committee of Propositions and Grievances and sent to the House of Commons for their Concurrence in such reference.

Mr. McCawley presented the Memorial and Petition of John Allison of the County of Orange, which being read, was referred to the Committee of Claims and sent to the House of Commons.

Adjourned till To-morrow morning 10 o'clock.

TUESDAY, 22 November, 1785.

The House met.

Mr. Thomas Brown, the member for the County of Bladen, appeared, presented his certificate, qualified agreeably to law and took his seat.

Read from the House of Commons the following message:

Mr. Speaker and Gentlemen:

You will herewith receive an address from His Excellency the Governor, to the General Assembly, together with the Letters, Papers, &c., therein referred to; which we propose referring to a joint Committee, and have for that purpose on our part appointed Mr. Williamson, Mr. Nash, Mr. Blount, Mr. Avery, Mr. Maclaine, Mr. P. Hawkins, Mr. Person, Mr. Hay and Mr. Ashe.

The Address from His Excellency the Governor, alluded to in the foregoing Message, together with the papers accompanying it, being read;

Resolved, That General Skinner, Mr. Bledsoe, Mr. Brown, Mr. McCulloch, Mr. Coor, Mr. Herndon, and Mr. Macon be a Committee, on the part of this House, to consider of and report on the same; Whereupon,

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

It is likewise the sense of this House that the Message from His

Excellency the Governor, to the General Assembly, together with the Papers accompanying it, should be committed.

We have for this purpose appointed on our part, General Skinner, Mr. Bledsoe, Mr. Brown, Mr. McCulloch, Mr. Coor, Mr. Herndon, and Mr. Macon, who will act jointly with the Gentlemen named in your message on this head.

Recd. from the House of Commons a Resolution of that body of this day, relative to such unadjusted claims for Militia service supplies furnished the public, &c., as may yet be in the hands of individuals against the State, which being read, were concurred with and returned.

Recd. likewise a Resolution of the House of Commons requiring the Comptroller of the public accounts to lay before this Assembly a statement of the Accounts of this State with the Continent, so far as he may be able to do so; and likewise requiring the public Treasurer to lay before the Assembly a statement of his accounts as therein mentioned; which being read, was concurred with and returned.

Mr. Dennis Hawkins, the member for the County of Brunswick, appeared, presented his certificate, qualified agreeably to Law and took his seat.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

This House have nominated as a Committee of Propositions and Grievances on their part, Mr. McDowell, Mr. Moore, Mr. P. Hawkins Mr. Ashe, Mr. Montgomery, Mr. Smaw and Mr. Dodd.

This House have nominated as a Committee of Claims, on their part, Mr. Neale, Mr. H. Bryan, Mr. Courtney, Mr. Dickens, Mr. Martin, Mr. Hamilton, Mr. Williamson, Mr. Cabarrus, Mr. Hay, Mr. Bloodworth, Mr. Avery, Mr. Franklin, Mr. Whitaker and Mr. Wyatt Hawkins.

Mr. Speaker and Gentlemen:

We have appointed Mr. Polk, Mr. Avery, Mr. Williamson, Mr. Phillips, Mr. Martin and Mr. Jordan a Committee, who will act with such Gentlemen as may be appointed by the Senate to examine the model of a Boat invented by Doctor McClure which is represent-

ed to be calculated to improve the inland navigation of this State, and make report thereof.

Ordered that Mr. Easton, Mr. Lewis, Mr. Jones and General Skinner act on this Committee and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

Mr. Easton, Mr. Lewis, Mr. Jones and General Skinner will, on the part of this House, act with the Gentlemen by you appointed to examine the model of a Boat invented by Doctor McClure, and make report.

Recd. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

This House propose that a joint Committee be appointed to examine the proceedings of the late Commissioners for settling officers and soldiers accounts, and have for that purpose on their part, appointed Mr. Person, Mr. Dickens, Mr. P. Hawkins, Mr. Blount, and Mr. Skinner.

Ordered that Mr. Harget, Mr. Gillispie, and Mr. Brown act on this Committee, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

Mr. Harget, Mr. Gillispie and Mr. Brown will act with the Gentlemen by you appointed to examine the proceedings of the late Commissioners for settling the accounts of the officers and Soldiers of the late Continental line of this State.

Recd. from the House of Commons the Memorial and Petition of John Allison, together with the Claims of Edwin Harris and Thomas Turner. Respectively endorsed, read and referred as by the Senate.

Recd. by way of the House of Commons the proceedings of a Court called in the County of Halifax for the Tryal of a Negro man slave named Arthur, late the property of John Jones, Esquire, of said County.

The Proceedings of a Court called in the County of Montgomery for the Tryal of Simon, late the property of Benjamin Hicks, of the State of South Carolina.

The Proceedings of a Court called in the County of Guilford for

the Tryal of Bob, late the property of Samuel Scott, of said County; and,

The Proceedings of a Court called in the County of Chowan for the Tryal of Hercules, late the property of Miss Worley, and for the Tryal of Cæsar, late the property of McCullen Pollock. Respectively endorsed in the House of Commons, referred to the Committee of Claims; which being read, were by this House referred to the said Committee and returned.

Reed. likewise the Petition of Messrs. Martin & Co., Printers in New Bern. Endorsed, referred to the Committee appointed to report of the most expeditious mode of having the Laws & Journals printed, which being read, was referred as by the House of Commons

Reed. also the discharges of John Sikes and Sion Young from the service of the late State Regiment. Endorsed, in the House of Commons, referred to the Committee of Claims, which being read, were referred as by the House of Commons and returned.

Reed. from the House of Commons the following Bills, vizt.:

A Bill empowering the Commissioners of the Town of Edenton to convey part of the Town Common to the Trustees of Smith's Academy, and

A Bill for securing literary property. Respectively endorsed, read the first time and passed.

On motion of Mr. Gillispie, seconded by Mr. Battle, ordered that these Bills be read, which being read, were passed the first time and returned.

Mr. Lewis presented the Petition of Robert Harris, Esquire, of Granville County, relative to certain lands by him purchased of Henry Eustace McCulloch, Esquire, which being read, was referred to the Committee of Propositions and Grievances and ordered to be sent to the House of Commons.

General McDowell presented the Petition of David Vance of Burke County, late Commissioner of Specific Supplies, which being read was, on motion of Mr Battle, ordered to lie for consideration.

Mr. Lewis presented the Petition and affidavit of Mr. Reuben Searcey of the County of Granville, relative to certain lost certificates, which being read, was referred to the Committee of Claims and sent to the House of Commons.

Adjourned till To-morrow Morning 9 o'clock.

WEDNESDAY, 23 November, 1785.

The House met.

Mr. Henry Hill, the member for the County of Franklin, appeared, presented his certificate, qualified agreeably to law and took his seat.

On motion of Mr. Gillispie, seconded by Mr. Battle, Resolved, That the Rules adopted by the last General Assembly for the reading and Engrossing Bills be adhered to and observed during the present session; whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that the rules adopted by the last General Assembly for the reading and Engrossing Bills be observed during the present session.

Mr. Herritage presented the Petition of Major Croom of Dobbs County, which being read was, on motion of Mr. Herritage, seconded by Mr. Coor, referred to the Committee of Propositions and Grievances and ordered to be sent to the House of Commons for their concurrence in such reference.

The Honourable the Speaker, laid before the House the Petition of William Field, together with the proceedings and recommendation of the Court of Randolph County relative to and in favour of said Field, which being read were, on motion of Mr. Battle, seconded by Mr. Gillispie, referred to the Committee of Propositions and Grievances and sent to the House of Commons for their concurrence in such reference.

The Honourable the Speaker, likewise laid before the House the Petition of the Honourable Richard Dobbs Spaight, Esquire, relative to the representation of Craven County in this House, which being read was, on motion of Mr. Macon, seconded by Mr. McCulloch, referred to the Committee of Privileges and Elections.

The Honourable the Speaker, also laid before the House the Petition of Ann Field, Wife of Robert Field late of Guilford County, which being read, was referred to the Committee of Propositions and Grievances and ordered to be sent to the House of Commons.

Mr. James Harris, the member for the County of Mecklenburg,

appeared, presented his certificate, qualified agreeably to Law and took his seat.

On motion of Mr. Gillispie, seconded by Mr. Macon, Resolved, That the following Rules of Decorum be observed by the Senate during the present session of Assembly, vizt.:

1st. When the Speaker is in his Chair every member may sit in his place with his head covered.

2nd. Every member shall come into the House with his head uncovered and shall continue so at all times but when he sits in his place.

3rd. No member in coming into the House or removing from his place, shall pass between the Speaker and any member speaking, nor shall any member go across the House or from any part thereof to the other, whilst another is speaking.

4th. When a member intends to speak he shall stand in his place uncovered, and address himself to the Speaker, but shall not proceed to speak until permitted to do so by the Speaker, which permission shall be signified by naming the member.

5th. When any member is speaking no other shall stand, or interrupt him, but when he has done speaking and taken his seat, any other member may rise, observing the rules.

6th. When the Speaker desires to address himself to the House he shall rise and be heard without interruption and the member then speaking shall take his seat.

7th. If more than one member attempt to speak at any time, the Speaker shall determine which was first up.

8th. When any question shall be before the House and not perfectly understood the Speaker may explain, but shall not attempt to sway the House by argument or debate.

9th. No member speaking to be disturbed by coughing, spitting, conversation or otherwise, and whoever by speaking, hissing or in any other manner wilfully or carelessly disturbeth or interrupteth any member on the floor, he shall answer it at the Bar, and be liable to be censured by the Speaker.

10th. He that digresseth from the subject to fall on the person of any member shall be suppressed by the Speaker.

11th. Exception taken to offensive words, to be taken the same

day they shall be spoken, *and before the member who spoke them shall go out of the House.*

12th. Whatever is spoken in the House may be subject to the censure of the House.

13th. Whenever any matter is in debate before the House, it shall be determined or postponed before any new business shall be introduced.

14th. No Bill shall be read twice in the same day, unless upon some pressing emergency when the good and safety of the State shall make it necessary.

15th. No heats or animosities shall be permitted in this House.

16th. No member shall speak more than twice without leave on the same question, unless it be in a Committee of the whole House.

17th. No question shall be put on any motion unless seconded.

18th. Every member making any motion which is not of course, shall before making such motion reduce the same to writing.

19th. If there should be an equality of votes for and against any question the Speaker shall declare whether he be a yea or a nay but shall in no other case give his vote.

20th. No member shall depart the service of the House without leave first obtained and signified by the Speaker, nor having leave shall stay longer than the time limited, under the penalty of forfeiting his pay as a member and being sent for to undergo the further censure of the House.

21st. Upon motion for an adjournment no member shall presume to move until the Speaker arises and goes before.

Adjourned till To-morrow Morning 9 o'clock.

THURSDAY, 24 November, 1785.

The House met.

Mr. Macon presented the Record of a Court called in Gates County for the Tryal of a negro man slave, the property of Thomas Garrett of said County, which being read was, on motion of Mr. Macon, seconded by Mr. John Armstrong, referred to the Committee of Claims and ordered to be sent to the House of Commons for their concurrence in such reference.

Mr. Brown presented sundry writings from Mr. Henry Emanuel Lutterloh, addressed to the General Assembly, which being read

were, on motion of Mr. Gillispie, seconded by Mr. Macon, ordered to be sent to the House of Commons.

Received from the House of Commons the Petition of Messrs. Arnett and Hodge, Printers of the Town of New Bern. Endorsed in the House of Commons, read and referred to the Committee appointed to consider and report the best and most expeditious mode by which the Laws and Journals may be printed, which being read, was referred as by the House of Commons and returned.

Reed. likewise the account of Mr. John Devane as Lieutenant of Fort Johnston. Endorsed, read and referred to the Committee of Claims, which being read, was referred in like manner and returned.

Reed. also the Petition and affidavit of Reuben Searcey. The Petition of Major Croom, The Memorial and Petition of William Field, The Petition of Ann Field, and the Petition of Robert Harris. Respectively endorsed, read and referred as by the Senate.

Reed. from the House of Commons the following Message:

Mr. Speaker and Gentlemen:

We agree that the rules adopted by the last Assembly for the reading and Engrossing Bills be adhered to during the present session.

Mr. Speaker and Gentlemen:

We propose that the consideration of a more expeditious and substantial administration of the laws and Equity of the State be submitted to the Committee to which the Governor's message & public Papers have been referred.

This proposition being read, Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree that the consideration of a more expeditious and substantial administration of the Laws and Equity of the State be submitted to the Committee to whom the Governor's message, and the public papers accompanying it, have been referred.

Reed. from the House of Commons the Petition of James Knox and David Wilson. Endorsed, referred to the Committee of Claims, which being read was, on motion of Mr. Coor, seconded by Mr. Hill, referred in like manner and returned.

Recd. likewise the Petition of Mrs. Margaret Balfour, and the Memorial of Mrs. Ann Field. Respectively endorsed, read and referred to the Committee of Propositions and Grievances, which being read, were referred in like manner and returned.

Recd. also the Petition of John Brady, Robert Dunlap, and William Dunlap. Endorsed, read and referred to a special Committee, the members chosen on the part of the House of Commons are Mr. Maclaine, Mr. Williamson, Mr. Person, Mr. Hay and Mr. Blount, the Petition being read was, on the part of this House, referred to General Skinner, Mr. Relfe, Mr. McCulloch, and Mr. Coor and returned.

Mr. McCawley presented the Petition of James Hogg, Esquire, Executor of the last Will and Testament of the late Thomas Burke, Esquire, which being read was, on motion of Mr. Macon, seconded by Mr. Gillispie, referred to the Committee appointed to consider of the Petition of John Brady, Robert Dunlap and William Dunlap, and ordered to be sent to the House of Commons.

Recd. from the House of Commons the resignation of Elijah Isaacs and John Barton as Justices of the Peace for Wilkes County. Endorsed, read and accepted, which being read, were likewise accepted by this House.

The resignation of John Bell as Justice of the Peace for Brunswick County was read and accepted and sent to the House of Commons.

General McDowell moved for leave and presented a Bill to empower David Vance, late Commissioner of Burke County, to collect the specific supplies assessed upon the Inhabitants of the said County for the years 1780 and 1781, which have not been already collected, which was read for the information of the House.

Adjourned until To-morrow 10 o'clock.

FRIDAY, 25 November, 1785.

The House met.

General Rutherford, the member for the County of Rowan appeared, presented the Certificate of his Election, qualified agreeably to Law and took his seat.

On motion of General McDowell, seconded by Mr. Macon, ordered that the Bill to empower David Vance, late Commissioner of Burke County, to collect the Specific Supplies assessed upon the Inhabi-

tants of said County for the years 1780 and 1781, which have not been already collected, be read; which being read, was on motion of Mr. Harget, seconded by Mr. Gillispie, ordered to be withdrawn for amendment; the Members made choice of for this purpose were Mr. Coor and Mr. McCulloch.

Mr. Speaker laid before the House the Petition of Abram Barnes and John Wilkes of Bladen County, relative to the suggested illegality of the late Election for said County; which being read was, on motion of Mr. Macon, seconded by Mr. Battle, referred to the Committee of Privileges and Elections.

Mr. Brown presented the resignation of William Kirkpatrick as one of the Justice of the Peace for Bladen County, which being read, was accepted and sent to the House of Commons.

Recd. from the House of Commons a Bill for the dividing of the County of Guilford. Endorsed, read the first time and passed.

Ordered that this Bill be read for the Information of the House, the same being read was, on motion of Mr. Macon, seconded by Mr. Miller, again read for passage, when it was amended, passed the first time and returned.

Recd. likewise a Bill for establishing a Town on the lands of Mial Scurlock, decd., in Chatham County. Endorsed, read the first time and passed.

Ordered that this Bill be read for information, which being accordingly read, was again read for passage, when it was passed the first time and returned.

On motion of Mr. Macon, seconded by Mr. Battle, Resolved, That General Rutherford be added to the Committee to whom were referred the Message from His Excellency the Governor, together with the State papers accompanying it laid before the General Assembly at the opening of the present session, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate have added General Rutherford to the Committee to whom were referred the Message from His Excellency the Governor, & the public papers accompanying it.

On motion of Mr. Gillispie, seconded by Mr. Macon, ordered that Mr. Herritage have leave to absent himself from the service of this House for a few days.

Recd. from the House of Commons the Petition of William Jones and the Memorial of George Laine Moore. Endorsed, read and referred to a special Committee to be composed of members from each House, vizt.: Mr. Person, Mr. P. Hawkins, Mr. MacLaine, and Mr. Hay; which being read was, on the part of the Senate, referred to General Rutherford, Mr. Lewis, and Mr. Hill and returned.

Mr. Coor and Mr. McCulloch, according to order, presented the Bill to impower David Vance, late Commissioner of Burke County, to collect the Specific supplies assessed upon the Inhabitants of the said County for the years 1780 and 1781, which have not been already collected, as by them amended, which being read was, on motion of Mr. Macon, seconded by Mr. Campbell, recommitted to General Rutherford, Mr. Gillispie, Mr. McCulloch, General McDowell, Mr. Campbell and Mr Hill.

Received from the House of Commons the Petition of Mrs. Martha Dixon, Relict of Lt. Col. Henry Dixon. Endorsed, read and referred to the Committee on the Governor's Message, &c.; which being read, was referred as by the House of Commons and returned.

Recd. likewise the Petition of James Hogg, Esquire. Endorsed, read and referred as by the Senate.

Received also an account of Doctor Hugh Boyd against the public. Endorsed, referred to the Committee of Propositions and Grievances; this reference being rejected, on motion of Mr. Gillispie, seconded by Mr. Macon,

Resolved, That the adjustment of this Account properly comes before the Committee of Claims and that therefore it be referred to the said Committee by this House and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

It is the opinion of this House that the adjustment of the account of Dr. Hugh Boyd by you referred to the Committee of Propositions and Grievances properly comes before the Committee of Claims, we therefore propose that the consideration thereof be referred to the Committee last mentioned.

Recd. from the House of Commons the Petition of General Ramsey. Endorsed, referred to the Committee of Propositions and

Grievances, which being read, was referred as by the House of Commons and returned.

Adjourned till Monday morning 10 o'clock.

MONDAY, 28 November, 1785.

The House met.

Mr. Michael Payne, the member for the County of Chowan, and John Spicer, the Member for the County of Onslow, appeared, presented their Certificates, qualified agreeably to Law and took their seats.

Mr. Macon presented a Resolution of the General Assembly in favour of Robert Hightower bearing the date the 12th July, 1781, which being read, on motion of Mr. Macon, seconded by Mr. Brown,

Resolved, That Mr. Robert Hightower be allowed the sum of Fourteen pounds three shillings & nine pence current money in lieu of a Draft on the late Board of Trade for 660lbs of Tobacco; that the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Mr. Gillispie, from the joint Committee to whom was referred the Petition of Ann Fields in behalf of her husband Robert Fields, reported as followeth, vizt.:

Your Committee to whom was referred the Petition of Ann Fields in behalf of her husband Robert Fields, report,

That after considering the premises we are of opinion that the same be rejected. All which is submitted.

JAMES GILLISPIE, Ch.

Mr. Gillispie likewise delivered in the following report, vizt.:

Your Committee to whom was referred the Petition of Margaret Balfour, administratrix of Andrew Balfour, decd., report,

That after considering the premises we are of opinion that she be allowed a sum equal to what was contained in the former certificate, agreeable to the scale of depreciation. All which is submitted.

JAMES GILLISPIE, Ch.

The House taking the foregoing reports into consideration resolved, that they do concur therewith, and ordered that they be sent to the House of Commons.

Mr. Gillispie, from the Committee, also delivered in a Report on the Petition of Mrs. Fields, which being read and debated was rejected, whereupon,

On motion of Mr. Macon, seconded by Mr. Hill, ordered that a Bill be introduced in conformity to the recommendation of Randolph County Court granting the Petition of the said Fields.

Received from the House of Commons a Bill for dividing Bladen County. Endorsed, read the first time and passed. Ordered that this Bill be read, which being read & debated was, on motion of General Rutherford, seconded by Mr. Brown, rejected.

Mr. Sharpe, pursuant to the order of this day, moved for leave and presented a Bill for vesting certain lands and other Estates in Randolph County in Ann Fields, Wife of William Fields, and the Heirs of said William and Ann Fields in fee simple, which was read the first time, passed and sent to the House of Commons.

Mr. Gillispie presented the Memorial of Andrew Bass, which being read, together with the proceedings of a Committee of the last General Assembly relative to the subject matter of the said Memorial was, on motion of Mr. Gillispie, seconded by Mr. Armstrong, referred to a special Committee, the members chosen on the part of this House were Mr. McCulloch, Mr. Lewis, General Skinner and Mr. Clinton.

General Gregory, from the Committee of Privileges and Elections, delivered in the following report, vizt.:

The Committee to whom was referred the Petition of Richard Dobbs Spaight, Esquire, against the legality of Mr. James Coor holding a seat in the Senate, do report:

That they duly considered the same and find that Mr. Coor is a Naval Officer for Port Beaufort, that he formerly did receive Stakeage or Tonnage Duty for which it appears that he hath settled according to Law; that he acted as Warden of the Poor for Craven County and hath settled for and paid the Monies by him received for that purpose, for both of which he produced his accounts and vouchers, and further it is the opinion of your Committee that there is no just cause against Mr. Coor to deprive him of his seat in the Senate as a member for the County of Craven, there being no law in force to the contrary. All which is submitted.

ISAAC GREGORY, Ch.

The House taking the said report into consideration, Resolved unanimously, that they do concur therewith.

Recd. from the House of Commons the Petition of Mr. John Walker. Endorsed, read and referred to the Committee of Propositions and Grievances, which being read, was referred in like manner and returned.

Received likewise the Petition of Mr. Benjamin Jones. Endorsed, read and referred to a joint Committee, the members chosen by the Commons are Mr. Starkey, Mr. Williamson, Mr. Person, Mr. Ashe and Mr. Ferebee. This Petition being read was, on the part of the Senate, referred to General Rutherford, Mr. McCulloch and Mr. Coor and returned.

Recd. also the Petition of Mr. William Linton. Endorsed, read and referred to the Committee appointed to consider of Benj. Jones' Petition; which being read, was referred in like manner and returned.

Recd. from the House of Commons the resignation of John Bell and William Kirkpatrick the former as one of the Justices of the Peace for Brunswick County, and the latter as one of the Justices of the Peace for Bladen County. Each endorsed, read and accepted.

Recd. also the Petition of Mr. John Walker. Endorsed, read and referred to the Committee of Claims; which being read, was referred in like manner and returned.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We agree that the account of Dr. Boyd be referred to the Committee of Claims as by you proposed.

Rec. likewise the Petition of Jacob Richards. Endorsed, read and referred to the Committee on the Memorial of Mr. Benj. Jones; which being read, was referred in like manner and returned.

Recd. also the Petition of James Britain. Endorsed, referred to the Committee of Propositions and Grievances; which being read, was referred to the said Committee and returned.

Recd. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We herewith send you a message this day received from his Ex-

cellency the Governor, together with the papers therein referred to, which we propose referring to the Committee appointed to consider of the public dispatches, &c.

The Message and papers alluded to in the foregoing being read, were referred as proposed by the House of Commons; whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree that the message and Papers from his Excellency the Governor, this day laid before the General Assembly, be referred to the Committee to whom were referred his other message and the public dispatches accompanying it.

Recd. from the House of Commons a Bill for granting further Indulgence to Surveyors for surveying lands. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received likewise a Bill for erecting a Town on the lands of Whitmill Hill in Martin County. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

On motion of Mr. Hill, seconded by Mr. Macon, Resolved, That Mr. Hill, Mr. Macon, Genl. McDowell and Mr. Brown be a Committee on the part of this House, to receive from the late District Treasurers, Collectors and others, and cause to be burnt, all the old Dollar Bills belonging to the public which may be delivered to them and make report thereof, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that a joint Committee be appointed to receive from the late District Treasurers, Collectors and others, and cause to be destroyed all such old Dollar Bills belonging to the public as shall be delivered to them, and that they make report of their proceedings herein, for which purpose Mr. Hill, Mr. Macon, General McDowell and Mr. Brown are appointed on the part of this House.

Mr. Campbell moved for leave and presented a Bill to alter the

place of holding the annual elections for members of the General Assembly in and for the County of New Hanover, which was read the first time, passed and sent to the House of Commons:

Recd. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

This House added to the Committee of Propositions and Grievances Mr. D. Hall, Mr. Edwards, Mr. Hinton, Mr. Hays and Mr. Oliver.

This message being read, on motion of Mr. Macon, seconded by Mr. Lewis, Resolved, That Mr. Spicer, Mr. Hill and Mr. Lewis be added to the Committee of Propositions and Grievances on the part of this House, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate have added to the Committee of Propositions and Grievances Mr. Spicer, Mr. Hill and Mr. Lewis, and propose that these gentlemen, in conjunction with those this day appointed on the part of the House of Commons, compose a second Committee of Propositions and Grievances.

Received from the House of Commons the Petition of James Taylor White. Endorsed, read and referred specially to a joint Committee; the members appointed by the Commons are Mr. P. Hawkins, Mr. Williamson, Mr. Phillips, Mr. Grant and Mr. Bonds. This Petition being read was, on the part of the Senate, referred to General Skinner, Mr. Battle, Mr. Macon and Mr. Easton and returned.

General Rutherford presented a Petition from Sundry of the Inhabitants of Richmond County relative to the representation of said County in the Senate, which being read was, on motion of General Rutherford, seconded by Mr. Macon, referred to the Committee of Privileges and Elections.

On motion, agreed that General Rutherford and Mr. Lightfoot be added to the Committee of Privileges and Elections.

Mr. Gillispie, from the Committee of Propositions and Grievances, delivered in the following report, vizt.:

The Committee of Propositions and Grievances to whom was referred the Claims of John Bartholomew and Edwin Harris, report,

That the General Assembly direct the Committee of Claims to make due allowance for said claims.

JAMES GILLISPIE, Ch.

The House taking the said report into consideration resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

Recd. from the House of Commons the proceedings of a Court called in the County of Gates for the Tryal of a Negro slave, the property of Thomas Garrett. Endorsed, read and referred as by the Senate.

Mr. Miller presented the Memorial of William Walker, which being read was, on motion of Mr. Macon, seconded by Mr. Campbell, referred to the Committee to whom was referred the Petition of Mr. Benjamin Jones, and ordered to be sent to the House of Commons.

Mr. Harris presented the representation of a Committee of Mecklenburg County, touching the settlement of the Sheriff of said County with the Treasurer, which being read was, on motion of Mr. Harris, seconded by General Rutherford referred to the Committee to whom was referred the Petition of Mr. Benjamin Jones and ordered to be sent to the House of Commons.

Mr. Miller presented the Petition of Sundry of the Justices of the Peace & Militia Officers of the County of Rutherford in favour of Lodowick Wray of said County, which being read was, on motion of Mr. Miller, seconded by General McDowell, referred to the Committee to whom was referred the Petition of Benjamin Jones and ordered to be sent to the House of Commons.

Mr. Miller likewise presented the Petition of Mercy Bedford of Rutherford County, which being read was, on motion of Mr. Miller, seconded by Mr. Macon, referred to the Committee of Propositions and Grievances and ordered to be sent to the House of Commons.

General Rutherford presented a Paper containing the resignation of himself and of William Cathey, John Johnston and James Brandon as Justices of the Peace for Rowan County, which resignations being read, were accepted and ordered to be sent to the House of Commons.

Mr. Brown presented the resignation of William Gray McDonnell

as one of the Justices of the Peace for Bladen County, which being read, was accepted and ordered to be sent to the House of Commons.

Received from the House of Commons the Petition of Abraham Markoe. Endorsed, referred to the Committee of Propositions and Grievances; which being read, were referred in like manner and returned.

Reed. likewise the Petition of George Laine Moore. Endorsed, referred to the Committee to whom his other Petition was referred; which being read, was referred in like manner and returned.

Reed. from the House of Commons a Bill for securing literary property. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read for the second time in this House To-morrow.

Adjourned till To-morrow morning 9 o'clock.

TUESDAY, 29 November, 1785.

The House met.

Mr. Macon presented the resignation of Thomas Turner as one of the Justices of the Peace for Warren County, which being read, was accepted and sent to the House of Commons.

Reed. from the House of Commons the Resolution of this House in favour of Robert Hightower. Endorsed, read and concurred with.

Reed. likewise the Memorial of Andrew Bass. Endorsed in the House of Commons, referred on the part of this House to Mr. Phifer, Mr. Oliver, Mr. Pasteur, Mr. Dodd and Mr. Williamson.

Reed. also the report of the Committee on the Petition of Mrs. Margaret Balfour. Endorsed, read and concurred with.

On motion of Mr. Macon, seconded by Mr. Armstrong, Resolved, That the House proceed in the order of the day; pursuant to which,

The Bill for securing literary property was read the second time, amended by consent of the House of Commons, passed and ordered to be engrossed.

Mr. Brown presented the record of a Court called in the County of Bladen for the Tryal of a negro man slave, belonging to the estate of George Gibbs, deceased, which being read was, on motion of Mr. Macon, seconded by Mr. Brown, referred to the Committee of Claims and ordered to be sent to the House of Commons.

Mr. Lightfoot, agreeably to order, presented the Bill to empower the Wardens of the Poor of Northampton County to build a House or Houses in the said County for the reception of the Poor and other purposes, as by him amended; which being read, was passed the first time and sent to the House of Commons.

Mr. Gillispie, according to order, presented the Bill to empower David Vance, late Commissioner of Burke County, to collect the specific supplies assessed upon the Inhabitants of the said County for the years 1780 and 1781, which have not been already collected, as amended by the Committee; which being read with the amendments, was passed the first time and sent to the House of Commons.

Recd. from the House of Commons the representation of Mr. Hezekiah Alexander. Endorsed, read and referred to the Committee of Propositions and Grievances; which being read, were referred in like manner and returned.

Recd. likewise the Memorial of William Walker; the Petition of Justices and Militia Officers of Rutherford County in favour of Lodowick Wray; The Petition of Mercy Bendford; the Representation of a Committee of Mecklenburgh County relative to the settlement of the Sheriff of said County with the Treasurer; and and the resignation of William Gray McDonnell. Respectively endorsed, read and referred as by the Senate; except the one last mentioned which was endorsed, read and accepted.

Mr. McCulloch presented the Claim of Captain Robert Fenner against the public, which being read, on motion of Mr. McCulloch, seconded by Mr. Hill,

Resolved, That Captain Robert Fenner, of the late North Carolina Line, be allowed the sum of thirty-five pounds four shillings current money of the State, in full for that sum by him expended in Board and Wages when he had the charge of the State Cloathing; that the Treasurer pay him the same and be allowed therefor in the settlement of his public accounts.

Ordered that this Resolve be sent to the House of Commons for their Concurrence.

Recd. from the House of Commons the following messages:

Mr. Speaker and Gentlemen:

We decline for the present a concurrence with your message as to the appointment of a Committee for burning the old emission of

Bills as we conceive those Bills ought regularly to pass into the Treasurer's or Comptroller's office, and a state of their amount laid by those officers respectively before the General Assembly when, in the opinion of this House, the appointment of such Committee may be extremely proper.

Mr. Speaker and Gentlemen:

We have received your message proposing a second Committee of Propositions and Grievances with which we do not concur, from a supposition that the business which properly comes before such a Committee can be timely compleated by that already appointed.

General Rutherford presented a Record of the Superior Court of Hillsborough District, relative to a suit in the said Court wherein Mr. Absalom Tatom was Plaintiff and John Armstrong, Esquire, Defendant; which being read was, on motion of Mr. Macon, seconded by Mr. Hill, referred to a special Committee; the members chosen on the part of this House were Mr. Coor, Mr. Lightfoot, General Gregory and Mr. Macon; whereupon the Record was sent to the House of Commons.

Mr. Macon moved for leave and presented a Bill for levying a Tax for the support of Government and to continue the redemption of Continental money, old paper currency, Specie and other Certificates, which was read the first time, passed and sent to the House of Commons.

Mr. Easton presented the resignation of George Bell as one of the Justices of the Peace for Carteret County, which being read, was accepted and sent to the House of Commons.

General McDowell moved for leave and presented a Bill empowering the Court of Randolph County to adjourn to the place which they shall think most convenient for holding the same; which was read the first time, passed and sent to the House of Commons.

On motion of Mr. Gillispie, seconded by Mr. Armstrong, Resolved, That the Committee to whom were referred the messages from His Excellency the Governor, and the public dispatches accompanying them, be directed to make report of the progress they have made in the business committed to their consideration, and that they bring in such Bills as they have already prepared relative to the subject matter of such dispatches, to-morrow morning.

Ordered that this Resolve be sent to the House of Commons for their concurrence.

Mr. Clinton presented the Petition of James Kenan which being read was, on motion of Mr. Clinton, seconded by Mr. Gillispie, referred to the Committee of Propositions and Grievances & ordered to be sent to the House of Commons.

Adjourned till to-morrow morning 9 o'clock .

(The record of several days seems to have been lost.)

MONDAY, 5 December, 1785.

The House met.

Sundry papers being read relative to the Accounts of Mr. Drury Gee, late Sheriff of Northampton County,

Resolved, That the Treasurer of this State be and he is hereby directed to settle the Accounts of Drury Gee, late Sheriff of Northampton County, agreeably to Law, giving him, the said Gee, all just credits; notwithstanding any proceedings which may heretofore have been had on this head by any former Assembly.

Ordered that this resolve be sent to the House of Commons for Concurrence.

On motion of Mr. Brown, seconded by Mr. Hill, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate have appointed Mr. Hill, Mr. Macon, General McDowell, and Mr. Brown a Committee, who will act jointly with such of your body as may be appointed, to receive from the public Treasurer and from the late District Treasurers all such old Dollar Money as may be handed them together with such of the Bills of the late emission as may be too much worn for further circulation and cause that the same be destroyed, and make report of their proceedings herein.

General Gregory, from the Committee of Privileges and Elections, to whom were referred such papers laid before this House by General Harrington, as were relative to Mr. Samuel Parsons, a Member of the Senate, delivered in a Report, which being read and debated was rejected.

Recd. by way of the House of Commons a Message of the 3rd Inst. from His Excellency the Governor, addressed to the General As-

sembly together with sundry papers enclosed. Endorsed, in the House of Commons, read and referred with its enclosures to the Committee to whom was referred His Excellency's former message and State papers, which being read was, together with its enclosures, referred as by the House of Commons and returned.

Mr. McCawley moved for leave and presented a Bill for establishing a Town on the lands of Thomas Relf, which was read the first time and passed.

General Rutherford moved for leave and presented a Bill to establish a Town on the Lands of Thomas Dougan in the County of Randolph, which was read the first time, passed and together with the Bill last mentioned, sent to the House of Commons.

Mr. Mooring moved for leave and presented a Bill for altering the place for holding Court and other public meetings in the County of Wayne and for removing the Court House and Prison from West Point to where John Fleetwood now lives; which was read the first time, passed and sent to the House of Commons.

Mr. Herritage moved for leave and presented a Bill for adding part of Craven County to Dobbs County, which was read the first time, passed and sent to the House of Commons.

Mr. Macon moved for leave and presented a Bill to empower the several County Courts within this State to establish and lay off Towns at their discretion; which was read the first time, passed and sent to the House of Commons.

General Rutherford moved for leave and presented a Bill to preclude certain foreigners therein mentioned from holding any office of profit or trust in this State, unless for meritorious services; which was read the first time, passed and sent to the House of Commons.

On motion of Mr. Gillispie, seconded by General Gregory, Resolved, That Mr. Gillispie, General Rutherford, General Gregory and General Harrington be a Committee on the part of this House to prepare and bring in a Bill for establishing a Militia in this State; Whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate have appointed Mr. Gillispie, General Gregory, Gen-

eral Rutherford and General Harrington a Committee, who will act jointly with such of your body as may be appointed, to prepare and bring in a Bill for establishing a Militia in this State.

Adjourned till To-morrow morning 9 o'clock.

TUESDAY, 6 December, 1785.

The House met.

On motion of General Rutherford, seconded by Mr. Payne, Resolved, that Mr. Coor and Mr. McCulloch on the part of this House, be a Committee to examine with such Gentlemen of the House of Commons as may be appointed for that purpose, the engrossed copies of such Bills as may be twice read in each House during the present Session; Whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We have appointed Mr. Coor and Mr. McCulloch a Committee on the part of this House to examine, with such of your Body as may be appointed, the Engrossed Copies of such Bills as may pass two readings in each House during the present Session.

Recd. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We cannot agree to proceed to the Election of public officers on Tuesday next, but propose entering upon that business on Saturday, at 3 of the Clock in the Evening, at which time shall be balloted for an additional delegate for the present year in order that this State may be represented by three until the time of those now to be elected shall commence; also the place of holding the next General Assembly. We have added to your nomination for Governor William Richardson Davie, Esquire; for Delegates John Sitgreaves, William Cumming and John Baptist Ashe, Esquires; for the Council of State John Spicer, John Wright Stanley and James Armstrong, Esquires. We think it improper to elect a Council of State until after the Choice of a Governor, because the Assembly will probably consult his situation in electing them; we therefore propose this last business be done after the election of a Governor, on the same day. We nominate for the place of holding the next

Assembly the Towns of Hillsborough, New Bern, Tarborough, Halifax and Fayetteville.

This Message being read ordered that the following be sent to the House of Commons:

Mr. Speaker and Gentlemen:

It is the wish of this House that the General Assembly should ballot for a Governor of the State, public Secretary, Delegate to represent this State in Congress & a Treasurer on Friday Evening next at 3 of the Clock and have put in nomination for Governor his Excellency Richard Caswell, Esquire, and the Honourable John Williams, Esquire; for public Secretary, James Glasgow, Esquire; for Delegate, William Blount, Abner Nash, Charles Johnson, Timothy Bloodworth, Nathaniel Macon, Green Hill, John Kinchen and Robert Burton, Esquires; and for a Treasurer Memucan Hunt, Esquire; and that on the following day at three of the Clock in the afternoon a Council of State and the place where the next Assembly shall be held be ballotted for. Should this proposition meet your approbation you will signify the same by message. The name of Samuel Johnson, Esquire, is withdrawn from the nomination for Governor; as is likewise the Town of Tarborough from the nomination of places where the next Assembly shall be held, and the name of Jacob Blount, Esquire, from the nomination for Councillors. Mr. Coor and Mr. Macon will, on the part of this House, superintend the balloting.

Reed. from the House of Commons the report of the joint Committee to whom was referred the Memorial of James Flemming of Wilmington, Merchant. Endorsed, read and concurred with; which being read, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We do not concur with the report of the joint Committee to whom was referred the Memorial of Mr. James Flemming, Merchant, of Wilmington, as it now stands, but propose that it be amended by expunging that part thereof oposite to which in the Margin is the letter "A." Should you think proper to make this amendment the Senate will then concur with the Report.

Reed. from the House of Commons the following Bills, to-wit:

The Bill for the Inspection of Tobacco in the County of Surry, and

The Bill empowering the Commissioner empowered to settle the Accounts between the United States & North Carolina or the Creditors of the United States within the same, to call witnesses and examine the same upon Oath or Affirmation, touching the said Accounts. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read; which being read, were passed the first time and returned.

Recd. likewise the Bill to establish the Town laid off at Guilford Court House by the name of Martinville. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read; which being read, was passed the second time and ordered to be engrossed.

Received also a Bill to amend an act to establish the Town of Morgan and direct the building a Court House and Prison in the same for the District of Morgan. Endorsed, read the first time and passed.

Ordered that this Bill be read; which being read, was passed the first time and returned.

Recd. by way of the House of Commons a message from His Excellency the Governor, addressed to the General Assembly, enclosing the Memorial of Mr. John Burgwin, Merchant of Wilmington, and other papers. Endorsed in the House of Commons, read and referred with its enclosures to the Committee to whom was referred a former message and the State papers; which being read, were referred in like manner.

Recd. from the House of Commons a Bill for permitting the Emancipation of Slaves under certain Restrictions, when the owners thereof are conscientiously scrupulous of continuing them in perpetual servitude. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected.

On motion of Mr. McCulloch, ordered that he have leave to absent himself from the service of this House a few days.

Mr. Hill moved for leave and presented a Bill to amend an act intituled "an Act for the better observation and keeping of the Lord's Day commonly called Sunday, and for the more effectual suppres-

sion of vice and immorality," which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the report of the joint Committee to whom was referred the Petition of Jacob Richards. Endorsed, read and concurred with; which being read, was concurred with and returned.

Mr. Spicer presented the resignation of Stephen Williams as one of the Justices of the Peace for Onslow County, which was read, accepted and sent to the House of Commons.

Mr. Speaker and Gentlemen:

We have concurred with the Report of the Committee on His Excellency the Governor's Message, with respect to the proposed alterations in the Court of Law, except the third section as it now stands in the Report; That part of the Report relating to the appointment of a Commissioner of the loan-office in this State we propose to lie for consideration, all the rest we concur with.

We have in conformity to this report appointed Mr. Hay and Mr. Maclaine to prepare and bring in a Bill for altering the Courts of Law.

This Message being read on motion of Mr. Battle, seconded by Mr. Brown, Ordered that Mr. Coor, General Harrington and Mr. Lightfoot on the part of this House, act on this Committee, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We concur with the report of the joint Committee to whom were referred the several messages from his Excellency the Governor, addressed to the General Assembly and the State Papers accompanying them, in every respect as it was concurred with by your House, and have appointed Mr. Coor, General Harrington and Mr. Lightfoot a Committee, who will act jointly with the Gentlemen by you appointed to prepare and bring in a Bill for altering the Courts of

On motion of General Rutherford, seconded by Mr. Lewis, Resolved, That the Committee of Privileges and Elections be directed to report on the legality of the Return of a Member of this House for the County of Northampton.

Mr. Macon presented the Memorial and Petition of Mr. James Miller, setting forth that he had through theft or other accidental

cause been unfortunately deprived of a certificate of allowance granted him for his attendance as a member of this House at the Fall session of 1784, Whereupon,

Resolved, That James Miller, Esquire, be allowed the sum of Forty-two pounds, in lieu of a certificate granted him in November, 1784, for his attendance at the General Assembly as a member of the Senate, which Certificate appears to be lost, and that the Treasurer have notice hereof in order that he may guard against any person holding the aforesaid Certificate.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Recd. from the House of Commons the Petition of Hannah Davis; the Petition of Jane Spurgin; the Affidavit of Catharine Shaver; the Claim of Robert Brevard; and the Petition of John Bradley. Respectively endorsed, read and referred as by the Senate.

Mr. Campbell presented the Memorial of Lewis McPherson, Merchant of the Town of Wilmington, together with a Paper accompanying it signed by a number of Gentlemen from that Town and elsewhere, suggesting that the granting of a Drawback of the Duty on Molasses used in distillation would be beneficial to the Commerce of this State; these papers being read were, on motion of Mr. Battle, seconded by Mr. Coor, ordered to lie on the Table.

Recd. from the House of Commons the Report of the Committee to whom was referred the Memorial of Andrew Bass. Endorsed, read and concurred with.

Recd. also a Bill for the promotion of Learning in the County of Davidson. Endorsed in the House of Commons, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Herndon presented the representation and Petition of Robert Alexander and Daniel McKissick, Esquires, setting forth that a Bill of Indictment for Bribery and Corruption had been found against Mr. Thomas Espy, a Justice of the Peace for Lincoln County, at the last Superior Court of Law and Equity for the District of Morgan; Whereupon,

Resolved, That Thomas Espy, of Lincoln County, be suspended from the execution of his office as one of the Justices of the Peace

for the said County, until he shall be acquitted of the charge against him.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Recd. from the House of Commons the following messages:

Mr. Speaker and Gentlemen:

We have on our part appointed Mr. Skinner, Mr. Thomas, Mr. Dickens, Mr. Hawkins, Mr. Ashe, Mr. D. Hall, Mr. Cain, Mr. Neale, Mr. Tisdale, and Mr. Ben. Williams a Committee, who will act with the Gentlemen by you appointed, to receive of the Public Treasurer the old Dollar Money, &c.

Mr. Speaker and Gentlemen:

We herewith return the resolve of your House directing the Comptroller to issue a certificate to John Parks as therein mentioned, Concurred with; We further propose in addition to that Resolve that the Comptroller note in the checks the issuing such Certificate.

This message being read it was ordered that the Resolve alluded to be made conformable to the Proposition of the House of Commons and that this order should be signified by the following message:

Mr. Speaker and Gentlemen:

This House approve of the Proposition of yours for amending the Resolution of the General Assembly in favour of John Parks, and have inserted the amendment accordingly.

Recd. from the House of Commons the Resolve of this House of the 3rd Inst. directing the Treasurer to settle with the Sheriff of Salisbury District for the year 1783; and likewise the Resolve of this House of the same date in favour of Isaac McHenry. Respectively Endorsed, read and concurred with.

Adjourned till to-morrow morning 9 o'clock.

WEDNESDAY, 7 December, 1785.

The House met.

Mr. Spicer presented a Petition of a number of the Inhabitants of Onslow County praying that a Town be established in the said County, which being read,

Mr. Spicer moved for leave and presented, conformably to the

prayer of the said Petition, a Bill for appointing and laying out a Town on New River, at or near Onslow Court House, on the lands of William Maitland, deceased, which was read the first time, passed and sent to the House of Commons.

Reed. from the House of Commons a Bill to empower the Wardens of the poor for the Counties therein mentioned to build Houses for their reception and maintenance and other purposes. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

General Rutherford moved for leave and presented a Bill to secure and quiet in their possessions all such persons, their Heirs and Assigns, who have purchased or may hereafter purchase lands and Tenements, Goods and Chattels, which have been sold or may hereafter be sold, by Commissioners of forfeited Estates legally appointed for that purpose; which was read the first time, passed and sent to the House of Commons.

An attested Copy of the Record of a Suit in Franklin County Court (the State against Robert Norris) was read; whereupon,

Resolved, That Robert Norris, late a Justice of the Peace for the County of Franklin be, and he is hereby declared to be disqualified from holding or exercising the Office aforesaid, in consequence of his having been convicted in the Court of said County of the misdemeanor of being in company with people playing cards on the Sabbath day and making no attempt to suppress such vice and immorality; and in consequence also, of its having been made appear to this General Assembly, that the said Robert Norris hath been guilty of being in partnership with a certain James Massey in playing cards with a negro slave.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Reed. from the House of Commons the Petition of Mr. James Williams. Endorsed, referred on the part of the Commons to Mr. Nash, Mr. Person, Mr. Williamson, Mr. Leek, Mr. J. Blount and Mr. Polk; which being read was referred to Mr. Lightfoot, General Rutherford, Mr. Macon and Mr. Coor and returned.

Reed. likewise the Resolve of this House of Yesterday in favour

of Mr. James Miller. Endorsed in the House of Commons, read and concurred with.

Recd. also the following messages:

Mr. Speaker and Gentlemen:

We have appointed Mr. Skinner & Mr. S. Riddick to examine, with the Gentlemen by you appointed, the Engrossed Bills.

Mr. Speaker and Gentlemen:

We have on our part appointed Mr. Berger, Mr. Williamson, Mr. P. Williams, Mr. Ashe and Mr. C. Hall a Committee, who will act jointly with the Gentlemen by you appointed, to prepare and bring in a Bill for establishing a Militia in this State.

Recd. from the House of Commons a Bill for appointing a Treasurer in the District of Edenton for the purpose of calling to account the Commissioners for building a public Gaol in the District aforesaid. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. from the House of Commons a Bill to amend an act passed at Hillsborough the — day of —, 1784, intituled, "an act for appointing Collectors of the Imposts at the several ports of this State, and for regulating the duty of Naval Officers, the Officers of the Customs and Masters of Vessels." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was, on motion, withdrawn for amendment; the members chosen for this purpose were Mr. Lightfoot and General Harrington.

Recd. from the House of Commons the following messages:

Mr. Speaker and Gentlemen:

We agree to ballot as by you proposed for the several officers of State, and the place at which the next Assembly shall be held; Mr. Skinner and Mr. Polk will conduct the balloting.

Mr. Speaker and Gentlemen:

We agree to the amendment by you proposed to be made in the Report of the Committee on the Petition of Mr. Flemming and have made the Report conformable.

The report alluded to in the foregoing message was read, concurred with as amended and returned to the House of Commons.

Recd. from the House of Commons the Memorial of Isles Simmons, the Memorial of John Eaton, and the Petition of Ann Howard. The first of which was endorsed, referred to the Committee of Claims; the second, referred to the Committee of Propositions and Grievances, and the third Endorsed, read and referred to the Committee to take under consideration the State Papers, &c; which being read, were severally referred as by the House of Commons.

Recd. from the House of Commons a Bill for altering the times of holding the County Court of Bertie. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. from the House of Commons the resignation of Stephen Williams as one of the Justices of the Peace for Onslow County. Endorsed, read and accepted.

Mr. Gillispie moved for leave and presented a Bill to erect and establish a public school in the County of Duplin, which was read the first time, passed and sent to the House of Commons.

Mr. Gillispie presented the Petition of a number of the Inhabitants of Duplin County praying that a Town be established in said County, which being read,

Mr. Gillispie moved for leave and presented in conformity to the prayer of the said Petition, a Bill for establishing a Town in Duplin County on the lands of William Houston, Senior; which was read the first time, passed and sent to the House of Commons.

Recd from the House of Commons a Bill for the Inspection of Tobacco in the Town of Windsor. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. likewise the Bill for annexing part of the County of Pitt to Beaufort County. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Recd. also a Bill to amend an act to impower the County Court of Pleas and Quarter Sessions of the several Counties in this State to order the laying out Public Roads, and to establish and settle

Ferries, and to appoint where bridges shall be built, and to clear inland Rivers and Creeks. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Bledsoe moved for leave and presented a Bill to prevent the distillation of spiritous liquors from Grain in the County of Davidson for a limited time; which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the Bill for the relief of the Officers, Soldiers and Seamen who have been disabled in the service of the United States during the late War. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Adjourned till To-morrow morning 9 o'clock.

THURSDAY, 8 December, 1785.

The House met.

General Gregory, from the Committee of Privileges and Elections, delivered in the following report, vizt.:

The Committee of Privileges and Elections to whom was referred the Complaint against Samuel Lockhart, Esquire, one of the sitting members in the Senate, report:

That they have taken the same under consideration, and it appears from Mr. Lockhart's confession that on the day of his Election he was sheriff of the County of Northampton; it also appears that at that day he had not accounted for the public tax for 1784, and further that the returning officer was Mr. Lockhart's Deputy. Your Committee are therefore of opinion that Mr. Lockhart ought not to hold a seat in the Senate. All which is submitted.

ISAAC GREGORY, Ch.

The House taking this report into consideration, resolved that they do concur therewith; whereupon,

Ordered that a writ of Election issue to the Sheriff of the County of Northampton for the Electing a Senator for the said County, and that this Election be made on the last Friday & Saturday in December, Instant.

Mr. Stephen Miller, the Member for the County of Anson, appeared, presented his certificate, qualified agreeably to Law and took his seat.

Recd. from the House of Commons the Petition of Robert Simms. Endorsed, read and referred to the Committee of Propositions and Grievances; which being read, was referred in like manner and returned.

Recd. likewise the Memorial of George Alston. Endorsed, referred on the part of the House of Commons of Mr. P. Hawkins, Mr. Williamson, and Mr. Skinner; which being read was, on the part of this House, referred to Mr. Lewis, Mr. Hill, Mr. Moore and General Rutherford.

Recd. also the Petition of sundry persons in favour of Thomas Garrett. Endorsed in the House of Commons, read and referred to a joint Committee; the members appointed on the part of this House are Mr. MacLaine, Mr. Avery, and Mr. Hay; which being read was, on the part of the Senate, referred to General Skinner and Mr. Riddick.

Recd. from the House of Commons the Report of the Committee of Propositions and Grievances on the Petition of Ambrose Remsey, Esquire. Endorsed, read and concurred with.

Recd. likewise the following Resolutions, vizt.:

The Resolve recommending to the Grand Committee to sit from day to day, &c., and

A Resolve for the Non-admission of Bills of a Private Nature after Saturday next; which being read, were concurred with and returned.

Recd. also the Bill to preclude certain foreigners therein mentioned from holding Office of profit or trust in this State, unless for meritorious services. Endorsed in the House of Commons, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Recd. from the House of Commons the following Resolutions, to-wit:

The resolve of this House of the 3rd Inst., requesting his Excellency the Governor, to grant Warrants in favour of the late Auditors as therein mentioned.

The Resolve of this House of yesterday declaring Robert Norris of Franklin County, no longer a Justice of the Peace for the said County, and

The Resolve of this House for suspending Thomas Espy of Lincoln County, from the Execution of the Office of a Justice of the Peace for said County. Each and every of them endorsed in the House of Commons, concurred with.

Reed. likewise the Bill to impower the several County Courts within this State to establish and lay off towns at their discretion. Endorsed, read the first time and passed.

Ordered that this Bill be read, the same being read, was rejected.

Reed. from the House of Commons a Resolution of that Body requiring the late Governors of this State (who have not as yet rendered their accounts) and others, to lay them before this Assembly for their Inspection; which being read, was concurred with and returned

Reed. likewise the Bill for altering the place for holding Courts and other public meetings in the County of Wayne, and for removing the Court House and Prison from West Point to where John Fleetwood now lives. Endorsed in the House of Commons, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected; Whereupon,

On motion of Mr. Mooring, seconded by Mr. Battle, ordered that the yeas and nays be taken on the question, which were as follows, vizt.:

For the passage of this Bill—Mr. Warrington, Mr. Easton, Mr. Relf, Mr. Griffin, Mr. Williams, Mr. Mooring, Mr. McCawley, Mr. Moore, Mr. Lewis, Mr. Payne, Mr. J. Armstrong, Mr. Bledsoe, Mr. Sharpe, Mr. Hill, General McDowell and Mr. Lightfoot.—16.

Against the passage of this Bill and for rejecting it—Mr. Coor, Mr. Herritage, Mr. Miller, Mr. Harget, General Gregory, Mr. Riddick, Mr. Herndon, Mr. Etheridge, General Ramsey, Mr. Clinton, Mr. Gillispie, Mr. Harris, Mr. Alexander, Mr. Bryan, Mr. Parsons, Mr. Campbell, Mr. Battle, Mr. Macon, Mr. Hines, General Skinner, Mr. Hawkins, General Rutherford, Mr. Spicer, Mr. T. Armstrong, Mr. Wynns, General Harrington and Mr. S. Miller.—27.

So this Bill was rejected.

Mr. Lightfoot and General Harrington, according to order, presented the Bill to amend an act passed at Hillsborough the 27th of October, 1784, Entitled "an Act for appointing Collectors of the Imposts at the several Ports of the State, and for regulating the duty of Naval Officers, the Officers of the Customs and Masters of Vessels as by them amended," which being read with the amendments, was passed the first time and returned to the House of Commons.

Reed. from the House of Commons an additional Bill to an Act entitled "an act for raising a public revenue for the support of Government;" and to repeal an act entitled "an Act to suppress excessive gaming. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Reed. likewise the report of the joint Committee to whom was referred the Petition of Mr. William Linton. Endorsed in the House of Commons, read and concurred with; which being read was concurred with and returned.

Received also a Bill for levying a Tax for the support of Government, and to continue the redemption of Continental Money, old paper Currency, Specie and other Certificates. Endorsed, read the first time and passed.

Ordered that this Bill lie on the Table till Saturday next and that it be then read for the second time in this House.

Reed. from the House of Commons a Bill for the Inspection of Tobacco in the Town of Nashville. Endorsed in the House of Commons, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Lewis presented the Claims of William Webb and Conyers White, which being read were, on the part of this House, referred to General Harrington, Genl. Rutherford, Mr. Bryan and Mr. Macon and sent to the House of Commons.

Mr. Riddick moved for leave and presented a Bill to amend an act for making provision for the poor; which was read the first time, passed and sent to the House of Commons.

Reed. from the House of Commons the Petition of Doctor Robert T. Hornby of South Carolina. Endorsed, read and referred to

the Committee on his Excellency the Governor's message, and State Papers; which being read was referred in like manner and returned.

Mr. Gillispie moved for leave and presented the Petition of William King of Sampson County, which being read, was on motion of Mr. Gillispie, seconded by Mr. Lightfoot, referred to the Committee of Propositions and Grievances and sent to the House of Commons.

Recd. from the House of Commons the Bill to impower the Justices of Tyrrell and Hertford Counties to establish Free Ferries in the said County and lay a tax for defraying the charges thereof. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was amended by consent of the House of Commons, passed the second time and ordered to be Engrossed.

Recd. by way of the House of Commons a Message from His Excellency the Governor, addressed to the General Assembly, covering a letter from the Honourable John Sitgreaves, Esquire, one of the Delegates of this State in Congress, informing the Governor he will endeavour to serve a tour as such in the course of the present year and requesting that he would cause his name to be withdrawn from the nomination of Delegates to represent this State in Congress the next year, as his serving longer than one tour would interfere and injure too much his domestic concerns.

The message and letter above mentioned being read were ordered to be filed.

Recd. from the House of Commons the Bill for adding part of Craven County to Dobbs County. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Recd. likewise the Bill empowering the Commissioner appointed to settle the Accounts between the United States and the State of North Carolina, or the Creditors of the United States within the same, to call Witnesses and examine the same upon oath or affirmation touching the said Accounts. Endorsed, read the first time and passed.

On motion, ordered that General Harrington have leave to take out this Bill for amendment.

Mr. Lightfoot presented the Petition of Mr. Curtis Ivey relative

to certain lands in Duplin County which being read, it was ordered that Mr. Lightfoot have leave to prepare and bring in a Bill granting the prayer of the said Petition.

Recd. from the House of Commons a Bill for incorporating the protestant Presbyterian Church of Wilmington. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. likewise a Resolve of the House of Commons requesting His Excellency the Governor, to lay before the General Assembly a List of Warrants by him granted on the Treasury; which being read was concurred with and returned.

Recd. also the following message:

Mr. Speaker and Gentlemen:

We propose that both Houses of the Legislature adjourn till to-morrow at 3 of the Clock in the Evening, in order to make way for the Committee who have the public papers under their consideration, to prepare such business as arises out of them for the consideration of the Assembly.

This Message being read this House adjourned till to-morrow 3 of the Clock, P. M.

FRIDAY, 9 December, 1785.

The House met.

When, agreeably to the Proposition of this House of the sixth Inst. concurred in by the House of Commons, they proceeded to the Conference Room where the ballots of both Houses were taken by the Gentlemen for that purpose appointed; which being done, Mr. Coor and Mr. Macon returned and reported as follows, to-wit:

That His Excellency Richard Caswell, Esquire, was elected Governor of the State for the ensuing year by a large majority of the votes of the General Assembly.

That James Glasgow, Esquire, was elected Secretary of the State.

That the Honourable Abner Nash, William Blount, Robert Burton, Charles Johnson, Timothy Bloodworth, and Nathaniel Macon, Esquires, were chosen Delegates, and

That Memucan Hunt, Esquire, was appointed public Treasurer for the State.

The House taking this report into consideration resolved, That they do concur therewith.

Adjourned till to-morrow morning 9 o'clock.

SATURDAY, 10 December, 1785.

The House met.

Reed. from the House of Commons a Bill to appoint and enable _____ to collect and publish in one or more volumes all the Acts of the General Assembly which are now in force in this State. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Lightfoot moved for leave and presented a Bill to ratify and confirm a judgment of Duplin County Court in favour of John Sampson Young, which being read, was passed the first time and sent to the House of Commons.

Mr. Williams moved for leave and presented a Bill to amend an act for establishing a town on the lands of Richard Evans, by the name of Martinborough, passed at New Bern in November, 1771; also one other act to amend the before recited act passed at New Bern in March, 1774; which was read the first time, passed and sent to the House of Commons.

Mr. Herndon moved for leave and presented a Bill to empower Commissioners to build a Court House, Prison and Stocks in the County of Wilkes, and other purposes; which was read the first time, passed and sent to the House of Commons.

Reed. from the House of Commons the Bill for levying a Tax in the District of Halifax to discharge a Balance due for repairing the Court House & Jail of said District. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Mr. Lightfoot moved for leave and presented a Bill to erect a District Court of Law and Equity at Fayetteville, and other purposes; which was read the first time, passed and sent to the House of Commons.

Mr. Clinton moved for leave and presented a Bill for laying out a Town on the lands of Jesse Peacock, in the County of Sampson,

which was read the first time, passed and sent to the House of Commons.

Mr. Herritage moved for leave and presented a Bill to vest the Estate of Richard Caswell, Junior, in Trustees for the benefit of his Creditors, which was read the first time, passed and sent to the House of Commons.

Mr. Bledsoe moved for leave and presented a Bill for appointing a Register for registering Grants for lands lying west of the Cumberland Mountain, entered in the land office, with John Armstrong, Esquire, and for other purposes; which was read the first time, passed and sent to the House of Commons.

Mr. Herritage moved for leave and presented a Bill for establishing an Academy at Kinston, in the County of Dobbs, which was read the first time, passed and sent to the House of Commons.

Reed. from the House of Commons the following Bills, to-wit:

A Bill to prevent the stoppage of Fish from running up Cape Fear River, Deep River, Haw River and Rock River.

A Bill for the inspection of Tobacco in certain of the Western Counties, and

A Bill to establish a Town in the Fork of Cumberland and Red River, on the east side of Red River in Davidson County. Respectively Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the first time and returned.

Reed. likewise a Bill to amend an act to impower the County Courts of Pleas and Quarter Sessions of the several Counties in this State, to order the laying out of public roads and to establish and settle ferries, and to appoint where bridges shall be built, and to clear Inland Rivers and Creeks. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Reed. likewise a Bill to amend the several Acts heretofore passed for regulating the Town of Wilmington. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. from the House a Bill for the regulation of Commerce. Endorsed, read the first time and passed.

Ordered that this Bill be read for the information of the House, which being accordingly read, was ordered to lie on the Table.

Recd. likewise a Bill to impower the County Courts of Johnston and Duplin, to levy a further tax on the Inhabitants of the said Counties for defraying the Expence of building the Court Houses, Prisons and Stocks of the same. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be Engrossed.

Mr. Sharpe moved for leave and presented a Bill to alter the times of holding several County Courts of Pleas and Quarter Sessions in this State, which was ordered to lie on the Table till Monday next.

Recd. from the House of Commons the Bill for altering the time of holding the County Court of Bertie. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Mr. Macon from the joint Committee appointed to receive from the public Treasurer and from the late District Treasurers such old Dollar Bills, together with such of the present Currency too much worn for circulation as might be handed them, and cause the same to be destroyed; delivered in the following report, vizt.:

That the Committe pursuant to their appointment had received from Memucan Hunt, Esquire, Public Treasurer, in old Dollar Bills the sum of one million one hundred and two thousand eight hundred and thirty-eight Dollars and an half; equal to four hundred and forty-one thousand one hundred and thirty-five pounds eight shillings; which by scale of depreciation is equal to five hundred and fifty-one pounds eight shillings and four pence specie, (£551 8 4), and in Bills of the present circulating currency which were too much worn for further use, the sum of eight hundred and twelve pounds two shillings (£812 2 0).

That they had likewise received of Green Hill, Esquire, formerly Treasurer of Halifax District, in old Dollar Bills the sum of four hundred and sixty-seven thousand three hundred and fifty-nine dol-

lars and an half; being one hundred and eighty-seven thousand and thirty-seven pounds fourteen shillings; which by the scale of depreciation is equal to two hundred and thirty-three pounds thirteen shillings and six pence (£233 13 6); and

That they had received of Joseph Cain, Esquire, formerly Treasurer of Wilmington District, in old Dollar Bills, the sum of one hundred and five thousand nine hundred and fifty-one Dollars, amounting to forty-two thousand three hundred and eighty pounds twelve shillings, which by the scale of depreciation is equal to twenty-one pounds three shillings and nine pence specie (£21 3 9), which several sums, amounting in the whole to one thousand six hundred and eighteen pounds seven shillings and seven pence, they had caused to be burned.

J. MACON, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

The additional Bill to an act intituled "an Act for raising a public Revenue for the support of Government," and to repeal an act entitled "an Act to suppress excessive gaming," was read the third time, passed and sent to the House of Commons.

Reed. from the House of Commons a Bill to amend an act intituled "an Act for raising a public Revenue for the support of Government." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected; whereupon,

On motion of Mr. Macon, seconded by Mr. Hill, ordered that the yeas and nays be taken on this question, which were as follows, vizt.:

For the passage of this Bill—Mr. J. Miller, Mr. Etheridge, Mr. T. Armstrong, Mr. I. Armstrong, Mr. Parsons, Mr. Hill, Mr. Macon, General McDowell, Mr. Harris, Mr. Lighfoot, General Harrington and Mr. S. Miller.—12.

Against the passage of this Bill and for rejecting it—Mr. Coor, Mr. Warrington, Mr. Herritage, Mr. Harget, General Gregory, Mr. Easton, Mr. Relf, Mr. Williams, Mr. Mooring, Mr. McCawley, Mr. Payne, Mr. Clinton, Mr. Gillispie, Mr. Sharpe, Mr. Harris, Mr. Alexander, Mr. Bryan, Mr. Campbell, Mr. Battle, Mr. McCulloch, Mr. Brown, Mr. Haskins, General Rutherford, Mr. Spicer.—24.

So this Bill was rejected.

On motion of Mr. Lightfoot, ordered that he have leave to prepare and present on Monday next, a Bill for establishing an inspection for Tobacco at Spring Bank, in Wayne County.

Recd. from the House of Commons the claims of William Webb and Conyers White. Endorsed, referred to Mr. Neale, Mr. Martin and Mr. R. Riddick.

Recd. by way of the House of Commons a Message from His Excellency the Governor, addressed to the General Assembly, together with sundry public letters enclosed. Endorsed in the House of Commons, read and referred to the Committee on His Excellency the Governor's former message, &c., which being read, were referred as by the House of Commons and returned.

Recd. likewise the copy of a letter from the Secretary of Foreign Affairs to the Secretary of the Congress of the United States, accompanied by a letter from the Secretary of Congress addressed to His Excellency the Governor, of North Carolina. Each indorsed in the House of Commons, read and referred to the Committee on Mr. Bloodworth's letter, which being read, were referred as by the House of Commons.

Recd. also the Petition of William King, of Sampson County. Endorsed in the House of Commons, referred as by the Senate.

Mr. Speaker laid before the House a letter from the Honourable Richard Dobbs Spaight, Esquire, enclosing his account as late Delegate from this State in Congress, which being read, were referred to a special Committee; the members chosen on the part of this House were General Harrington and Mr. Lightfoot.

Recd. from the House of Commons the Resolution of this House of the 2nd Inst., in favour of George Lambkin. Endorsed, read and concurred with.

Recd. likewise the Memorial of James Lockhart of Johnston County. Endorsed in the House of Commons, read and referred to the Committee of Propositions and Grievances, which being read, was referred in like manner.

On motion of Mr. Harget ordered that he have leave to absent himself from the service of this House until Tuesday next.

On motion agreed that James Gillispie and Guilford Dudley be added to the nomination for a Council of State.

On motion of Mr. Hill, ordered that he have leave to absent himself from the service of this House after Thursday next.

On motion of Mr. Spicer, ordered that he have leave of absence for a few days.

On motion of Mr. Lightfoot, seconded by Mr. Macon, Resolved, That the following message be sent to his late Excellency Richard Caswell, Esquire.

SIR:

Yesterday the General Assembly proceeded to the choice of a Governor when you, Sir, was elected to that high and important station and have appointed Monday next, at the State House, for your qualification in the usual form.

Ordered that the following with the foregoing message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that the message sent you herewith be presented to the Honourable Richard Caswell, Esquire. Should it meet your approbation General Harrington and Mr. Lightfoot will, on the part of this House, attend him with the same; We have added Mr. James Gillispie and Mr. Guilford Dudley in the nomination for a Council of State.

Recd. from the House of Commons a Bill for the Inspection of Tobacco in the County of Surry. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, the same being read, was passed the second time and ordered to be engrossed.

Recd. likewise a Bill for appointing a Treasurer in the District of Edenton for the purpose of calling to account the Commissioners for building a public Gaol in the District aforesaid. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be Engrossed.

Adjourned till 3 of the Clock p. m.

The House met according to adjournment.

Then pursuant to a former vote of both Houses on that head, they proceeded to a balloting for a Council of State, and for the place

where the next General Assembly shall be held; which being closed Mr. Macon and Mr. Coor, appointed on the part of this House to superintend the same, returned and delivered in the following report:

That on closing the balloting it appeared that James Gillispie, Joseph Leech, John Hawks, John Spicer and Doctor William McClure were elected members of the Council of State. That no place had a majority of the votes of both Houses of the General Assembly for their next session. That there remains yet two members of the Council of State to be elected and that James Armstrong, Esquire, and Joseph Green, Esquire, had the greatest number of votes of any gentlemen in nomination for members of the Council of State who were not elected.

The House taking the foregoing report into consideration, Resolved, that they do concur therewith. The other matter to this day referred being postponed the House adjourned till Monday morning 9 o'clock.

MONDAY, 12 December, 1783.

The House met.

On motion of General Rutherford, seconded by Mr. Brown, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

The Senate propose if agreeable to the House of Commons to proceed immediately to the election of two Delegates to represent this State in Congress the present year, the two Councillors of State yet to be chosen and the place at which the next Assembly shall be held; and put in nomination for Delegates William Cumming and John Baptist Ashe, Esquires; for Councillors Spyers Singleton, Green Hill, Joseph Green, Guilford Dudley, Doctor King and Abram Shepperd, Esquires, and for the place at which the next Assembly shall be held the Towns of New Bern and Fayetteville.

Recd. from the House of Commons the following Message:

Mr. Speaker and Gentlemen:

We agree to ballot immediately for two delegates to serve for the remainder of the present year in the Room and stead of Mr. Spaight and Mr. Osborne, who have declined serving; for the place of holding the next Assembly and two Councillors. Mr. Ashe has

directed his name to be withdrawn from the nomination of Delegates. We add to your nomination for Delegates James White and William Walters, Esquires.

The Message being read the House proceeded to the Conference Room in order to ballot, which being ended Mr. Macon and Mr. Coor, appointed on the part of this House to superintend the same, returned and reported as followeth, vizt. :

That William Cumming and James White, Esquires, were elected Delegates in addition to those heretofore appointed to represent this State in Congress the present year.

That Green Hill, Esquire, was chosen one of the members of the Council of State.

That the Town of Fayetteville was made choice of as the place at which the next Assembly shall be held, and

That there yet remains one member of the Council of State to be ballotted for.

The House taking this report into consideration resolved that they do concur therewith.

Pursuant to the vote of the General Assembly of Saturday last General Harrington and Mr. Lightfoot, appointed on the part of this House, accompanied by Mr. Ashe and Mr. Neale, appointed on the part of the House of Commons, now proceeded to the lodgings of his Excellency Richard Caswell, Esquire, in order to conduct him into the presence of the General Assembly which having done (both Houses being previously assembled in the Conference Room) His Excellency Richard Caswell, Esquire, was qualified, by repeating and subscribing the State Oath of Office in presence of the General Assembly.

Adjourned till 4 o'clock P. M.

The House met according to adjournment.

General Rutherford moved for leave and presented a Bill for the more speedy determining of disputes that hath arisen, or hereafter may arise from erecting Mill-dams, and to prevent persons from building as herein described; which being read, was passed the first time and sent to the House of Commons:

Recd. from the House of Commons the following Bills, to-wit:

A Bill to empower the Wardens of the Poor to call to account all former sheriffs. Clerks of County Courts, and other persons who

have not accounted for taxes and fines by them received which are appropriated or intended for the support of the poor, and

A Bill to alter the manner of holding the Elections for members of the General Assembly for New Hanover County. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the first time and returned.

Pursuant to the order of the Day the Bill to alter the times of holding several County Courts of Pleas and Quarter Sessions in this State was read, passed the first time and sent to the House of Commons.

Recd. from the House of Commons the Bill to allow a further time for saving Lotts in the Several Towns in this State. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Agreeably to the order of Saturday last the House resumed the consideration of the Bill for the regulation of Commerce; which being read, was passed the first time and sent to the House of Commons.

Recd. from the House of Commons the report of the joint Committee appointed to consider of the best and most expeditious mode by which the laws and Journals of the State may be printed, together with a Resolution of the House of Commons consequent thereon, which being read was rejected; whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

This House cannot concur with your Resolution for accepting the proposals of Messrs. Arnett and Hodge, relative to the printing the public Acts of the State, but propose that Martin and Co., be employed to perform the public printing, and that they be allowed the sum of three hundred pounds for such service; on giving Bond to His Excellency the Governor in the sum of ten thousand pounds with Security to be approved of by him, for the faithful performance of such duties as shall be hereafter enjoined them in the premises; they having made the following proposals, to-wit: That they will print twelve hundred copies of the Acts and forward a propor-

tionable part of them to the several Districts, vizt.: To Edenton, to New Bern, to Wilmington, to Salisbury, to Halifax, to Hillsborough, to Morgan, and to Washington District; together with sixteen copies of the Journals of the General Assembly which are to be forwarded to each member; also, to print all Proclamations and Resolutions of Assembly which may be ordered in Hand-Bills, and to find paper to compleat the business of the public printing, and tender as Securities for the performance of all and every of the above Contracts John W. Stanly and Isaac Guion, Esquires.

Reed. from the House of Commons the Letter and Account of the Honourable Richard Dobbs Spaight, Esquire, as late Delegate from this State to Congress. Endorsed, referred to Mr. Polk, Mr. Dickens, Mr. Thomas and Mr. Montfort.

Reed. likewise a Resolution of the House of Commons relative to the Claim of Waightstill Avery, Esquire, on the public for services performed when acting as Attorney General for the State; which being read, was concurred with and returned.

Adjourned till To-morrow morning 9 o'clock.

TUESDAY, 13 December, 1785.

The House met.

On motion of Mr. Wynns, seconded by Mr. Armstrong, Resolved, That John Armistead be allowed the sum of seventy-eight pounds twelve shillings current money, being the sum contained in a warrant drawn on the Treasury of His Excellency Governor Martin, for articles furnished the Army, bearing the date the 27th day of October, 1783, which Warrant together with this Resolve shall be a sufficient voucher to the Treasurer for paying the same in the settlement of his accounts with the public.

Ordered that this resolve be sent to the House of Commons for concurrence.

Mr. Gillispie from the Committee of Propositions and Grievances to whom was referred the Memorial of Robert Harris, and the Bond of Mr. Henry McCulloch relative to the subject matter of the said Memorial, delivered in the following report, vizt.:

That after considering the premises the Committee are of opinion that a title be made in fee to James Cash for the lands mentioned in the Bond and Memorial.

JAMES GILLISPIE, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith; Whereupon,

Mr. Gillispie moved for leave and presented a Bill to vest a Piece or parcel of land lying in Granville County, in James Cash and his Heirs in Fee Simple; which was read the first time, passed and sent to the House of Commons.

On motion of General Rutherford, seconded by Mr. McCawley, Resolved, That General Harrington, Mr. Lightfoot, Mr. Coor, Mr. McCulloch, and Mr. Brown, be a Committee on the part of this House to prepare and bring in a Bill to amend and explain the ambiguities in the confiscation Laws, respecting the sales of property made under them; and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that a joint Committee be appointed to prepare and bring in a Bill to amend and explain the ambiguities in the confiscation Laws, respecting the sales of property made under them; and have for that purpose on our part appointed General Harrington, Mr. Lightfoot, Mr. Coor, Mr. McCulloch and Mr. Brown a Committee.

On motion of Mr. Macon, it was ordered that pursuant to the order of the day of Thursday last, the Bill for levying a Tax for the support of Government and to continue the redemption of Continental money, old Paper, Currency, Specie and other certificates, be read, which being accordingly read was amended, passed the second time and sent to the House of Commons.

Reed. from the House of Commons the Report of the Comptroller of the public accounts of the State, addressed to the General Assembly pursuant to their resolve on that head, accompanied by his statement of the accounts of this State against the Continent. Endorsed, read and referred to the Committee appointed to report on the Treasurer's accounts; which being read, was referred as by the House of Commons.

General Harrington to whom was committed for amendment, the Bill empowering the Commissioners appointed to settle the accounts between the United States and the State of North Carolina, or the Creditors of the United States with the same; to call witnesses and to examine the same upon Oath or affirmation touching the same

accounts, delivered in the said Bill; which being read as by him amended, was passed the second time and ordered to be engrossed.

General Harrington presented the Memorial and account of General Rutherford, setting forth that on the Books of the Comptroller of the public accounts, there appeared to be a balance due from him to the public, for which he had in truth heretofore accounted, which Memorial and account being read were referred to a special Committee; the members chosen on the part of this House were General Harrington, Mr. McCawley and Mr. Gillispie; which being done this Memorial and account were sent to the House of Commons.

Whereas, it hath been made appear to the General Assembly that sundry Waggons and Teams were sent to or with the Continental line of this State to South Carolina, which were not fit for service and which were ordered to be sold by the Commanding Officer of the said line for Army settlements; Be it therefore,

Resolved, That the Treasurer be required and impowered to receive Army settlement Certificates in payment of the Bonds given for the Waggons and Teams sold by order of the Commanding Officer as aforesaid.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Mr. Bledsoe moved for leave and presented a Bill to establish a Superior Court of Law and Equity in the County of Davidson, which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the Memorial and Account of General Rutherford. Endorsed, read and referred to Mr. Skinner, Mr. Lock, Mr. McKissick and Mr. Person.

Recd. likewise the Bill for altering the place of holding the County Court of Beaufort County from Bath to the Town of Washington in said County, and to erect a Court House, Prison, Stocks and Pillory in said County. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

General Rutherford moved for leave and presented a Bill to enable the Public Treasurer more effectually to recover public monies that are now due, or hereafter may become due, which was read the first time, passed and sent to the House of Commons.

Reed. from the House of Commons a Bill for the relief of the Widows and Children of Officers who have died in the service of the United States. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Reed. likewise the Memorial of Doctor Charles Pasteur. Endorsed, read and referred to a joint Committee; the members appointed on the part of the House of Commons are Doctor Williamson, Mr. P. Hawkins and Mr. Ben Williams; which being read, was on the part of this House, referred to Mr. Payne, Mr. Alexander and Mr. Hill.

Reed. also a Bill for appointing Commissioners in the County of Rutherford, for building a Court House, Prison and Stocks in the said County, and for levying a tax for defraying the expence thereof. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Mr. Coor presented the Petition of Edward McNeal, which was read and referred to the Committee of Propositions and Grievances, and sent to the House of Commons.

Reed. from the House of Commons the following Bills, to-wit:

A Bill for recovering part of the Artillery belonging to this State, and

The Bill to prevent the distillation from Spirituous Liquors from Grain, in the County of Davidson. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were, passed, the former the first and the latter the second time and returned.

Mr. Easton moved for leave and presented a Bill to encourage the Destruction of Bears, Wolves and other Wild and destructive Creatures in the several Counties within this State, which was read the first time and sent to the House of Commons.

Reed from the House of Commons a Bill for confirming Titles to Lands therein Described. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Reed. likewise the following Bills, vizt.:

The Bill for erecting a Town on the lands of Whitmill Hill, Esquire, in Martin County.

The Bill to amend an act to establish the Town of Morgan and to direct the building a Court House and Prison in the same, for the District of Morgan; and

The Bill to establish a Town in the Fork of Cumberland and Red River, on the East side of Red River, in Davidson County. Respectively endorsed, read the second time and passed.

Ordered that these Bills be read, which being read, were passed the second time and ordered to be Engrossed.

Mr. Gillispie, from the Committee of Propositions and Grievances to whom was referred the Petition of Mercy Bedford, reported as followeth, vizt.:

That after mature deliberation on the premises the Committee are of opinion that she be impowered to dispose of the personal Estate, or so much thereof as she may think most expedient for the support of herself and children; also to collect the debts due to her Husband, Jonas Bedford, and that the landed Estate of said Jonas be vested in the Heirs, Male and Female, of the said Jonas and Mercy Bedford.

JAMES GILLISPIE, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

Mr. Gillispie, from the Committee of Propositions and Grievances, to whom was referred the Petition of William King, delivered in the following Report, vizt.:

That on considering the different matters alluded to in the said Petition, your Committee find that the Petitioner in the Month of November, 1780, did furnish Mr. Dodd, Commissioner of Specific Supplies for the County of Duplin, Fifty-five head of Good Beef Cattle, worth four pounds Specie per head, for which Mr. Dodd was to pay him Cash in a short time. That it appears also to your Committee that the greater part of the said Cattle were purchased on credit by Mr. King, for the payment of which sums he is much embarrassed.

That it also appears to your Committee that the sum of two hundred and twenty pounds is a balance which still remains unpaid to your Petitioner, and will add much to his inconveniences, being a man of small property. All which is submitted.

JAMES GILLISPIE, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith.

Mr. Gillispie, from the Committee of Propositions and Grievances, likewise delivered in the following report on the Petition of Mr. John Walker, vizt.:

That it appears to your Committee that Mr. Walker put five negro men slaves into the public service under the Command of Florence McCarthy, acting Deputy Quarter Master at Wilmington, to be employed in conveying public Stores from the Town, on the approach of part of the British army under the command of Major Craig; that after the said slaves continued in the service some time Mr. Walker sent a certain Wm. Sharpless to demand the said slaves and was refused by the said McCarthy; and it appears from the certificates of the said Florence McCarthy that said Negroes were lost in the service; for which five negroes Mr. Walker charges seven hundred and fifty pounds. All which is submitted.

JAMES GILLISPIE, Ch.

The House taking this report into consideration, Resolved, That it is the opinion of this House, that no allowance be made for the negroes above mentioned.

Mr. Hill moved for leave and presented a Bill to impower the Commissioners therein mentioned, to sell the palace and public Lotts to the same, belonging in the Town of New Bern; which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the following Bills, to-wit:

The Bill to establish the town laid off at Guilford Court House by the name of Martinville.

The Bill for dividing the County of Guilford, and

The Bill for establishing a town on the lands of Mial Scurlock, decd., in Chatham County. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time in this House.

General Harrington presented the Claim of George Hicks against the public, which being read, was referred to the Committee of Claims and sent to the House of Commons.

Recd. from the House of Commons the Bill for the promotion of

learning in the County of Davidson. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be Engrossed.

Recd. likewise a Bill for laying out a town on the lands of Jesse Peacock in the County of Sampson. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and sent to the House of Commons.

Recd. also a Bill for the Inspection of Tobacco in the Town of Windsor. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be Engrossed.

Recd. from the House of Commons a Bill for establishing a Town in Duplin County on the lands of William Houston, Senior. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Recd. likewise the Bill to impower Robertson Mumford and James Porterfield to receive storage for Tobacco inspected and deposited in their Ware House or Houses at Fayetteville. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Mr. Gillispie, from the Committee of Propositions and Grievances, to whom was referred the Memorial of Robert Symms, reported as followeth, vizt.:

That after mature delieration on the premises, your Committee are of opinion that the Public Treasurer allow him the sum of one hundred and Eighty pounds two shillings and seven pence currency; and the sum of five hundred and thirty-two pounds fourteen shillings & six pence in Certificates in the settlement of his public accounts, in consequence of his being robbed as appears to this Committee on the fifteenth day of April, 1784.

JAMES GILLISPIE, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Mr. Gillispie, from the Committee of Propositions and Grievances, likewise delivered in the following report, vizt.:

That after having maturely considered the Petition of Hezekiah Alexander the Committee are of opinion that it be rejected.

That having also considered of the Petitions of James Maxwell, Major Croom, Abraham Markhoe, Jane Spurgin and James Britain the Committee are of opinion that they respectively be rejected.

JAMES GILLISPIE, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

General Rutherford, from the Committee to whom was referred the Petition of George Alston, reported as followeth, vizt.:

It appearing to your Committee that Doubt may in future arise with respect to Mr. Alston's being entitled to the privileges of a free Citizen; they recommend his case as a singular one and that he be restored to the rights of Citizenship.

That it also appears to your Committee the said George Alston did before his departure to Europe give unto a certain Mary Alston Bell a Tract or Parcel of land lying in Granville County, containing about two hundred and seventy Acres, which the said George purchased of Malachi Reeves and Ann Hopkins; also a negro boy named Cæsar; on which your Committee recommend that a Bill be brought in to vest in the said Mary Alston Bell the title of the said Lands and Negro.

GRIFFITH RUTHERFORD, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

Mr. Gillispie, from the Committee of Propositions and Grievances, to whom was referred the Petition of Hannah Davis, reported as followeth, vizt.:

That after mature deliberation on the premises your Committee are of opinion that the County Court make provision for the same agreeable to law.

JAMES GILLISPIE, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

General Harrington, from the Committee to whom was referred the Letter from the Honourable Timothy Bloodworth, Esquire, delivered in the following report, vizt.:

That it is the opinion of your Committee that the Treasurer pay to Mr. Bloodworth immediately one hundred and twenty pounds now in his hands, and that the Collector of Port Brunswick be directed to pay Mr. Bloodworth's draft with the first money that shall come to his hands, in preference to any other.

HENRY W. HARRINGTON, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Adjourned till To-morrow Morning 9 o'clock.

WEDNESDAY, 14 December, 1785.

The House met.

Mr. Payne presented a letter from General Skinner informing the House of his having received and accepted a Commission from Congress appointing him Treasurer of the Continental Loan Office for this State, and observing that in consequence thereof, his seat became vacant; which being read,

Resolved, That a Writ of Election issue to the County of Pasquotank for the election of a member to represent the said County in the Senate in the stead of General William Skinner, whose seat hath become vacant in consequence of his having accepted the appointment above mentioned.

Read the Affidavit of Andrew Kennedy setting forth that he had lost a certificate of allowance made him by the Board of Auditors for Salisbury District; whereupon,

Resolved, That on application of Andrew Kennedy the Comptroller be directed to re-issue him a Certificate for one hundred and sixty-four pounds four shillings, in lieu of one heretofore issued for the same sum and lost.

Ordered that this Resolve be sent to the House of Commons for concurrence.

General Rutherford presented the Claim of Captain William Wilson, wounded in the service of the public, from which it appears he had paid of his private fortune considerable sums of money to Doctors and others for the cure of his wounds received when in the public service as aforesaid, whereupon,

Resolved, that the said Captain William Wilson be allowed the sum of six pounds fourteen shillings as a reimbursement for the expenditures aforesaid, that the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Mr. Brown moved for leave and presented a Bill to empower Commissioners to liquidate the accounts of the Officers and Soldiers of the Continental line of this State; which was read the first time, passed and sent to the House of Commons.

General Rutherford presented the resignation of John Johnston as Major of the Rowan Regiment of Militia; which was read, accepted and sent to the House of Commons.

Resolved, That on account of the indigence of the late Andrew Bostian set forth by Petition that the administrators of the Estate be released from the payment of the Bonds given for four tracts of land by him purchased under the Confiscation Laws and that the said lands revert to the State and remain as if it had never been sold.

Ordered that this Resolve be sent to the House of Commons for concurrence.

General Harrington moved for leave and presented a Bill to amend an act passed at New Bern in 1784, entitled "an Act to describe and ascertain such persons who owed allegiance to this State"; which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the Resolution of this House in favour of Captain William Wilson. Endorsed, read and concurred with.

Recd. likewise the following Bills, vizt.:

The Bill for the Inspection of Tobacco in the Town of Nashville.

The Bill for the Inspection of Tobacco in certain Western Counties.

The Bill for establishing a Town on the Lands of Luke Mizzle and William Mackay in Martin County; and

The Bill for the better regulation of the Town of Tarborough. Respectively endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read, were passed the second time and ordered to be Engrossed.

Recd. also the Bill to vest the Estate of Richard Caswell, Jun., in Trustees for the benefit of his Creditors. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and sent to the House of Commons.

Recd. from the House of Commons the Bill to secure and quiet in their possessions, all such persons, their Heirs and Assigns, who have purchased or may hereafter purchase Lands, Tenements, Goods and Chattels which have been sold or may hereafter be sold by Commissioners of forfeited Estates legally appointed for that purpose. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Recd. by way of the House of Commons a Message from His Excellency the Governor, addressed to the General Assembly, accompanied by a list of Warrants issued on the Treasury since the Commencement of his administration; and likewise by sundry books relative to his proceedings during the time of his acting as Comptroller of the public accounts of this State. Endorsed in the House of Commons, read and referred to the Committee appointed to report on the Treasurer's accounts; which being read, were referred in like manner and returned.

Recd. from the House of Commons a Bill to amend an act passed at Hillsborough for regulating the Town of Halifax. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was laid over till next Assembly.

Adjourned till 4 o'clock P. M.

Met according to adjournment.

Received from the House of Commons the Report of the joint Committee on that letter of the Honourable Timothy Bloodworth, Es-

quire, and the Resolve of this House in favour of Andrew Bostian, decd. Respectively endorsed, read and concurred with.

Mr. J. Armstrong presented the resignation of Salathiel Martin, as one of the Justices of the Peace for the County of Surry, which was read, accepted and sent to the House of Commons.

Recd. fom the House of Commons the resignation of John Johnston, as Major of the Rowan Regiment of Militia. Endorsed, read and accepted.

Recd. likewise the following message, to-wit:

Mr. Speaker and Gentlemen:

This House cannot concur with the reports of the Committees; the one on the Memorial of George Alston and the other on the Petition of Mercy Bedford as they stand, but propose that they be re-committed.

This proposition being read, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree for the Petition of Mr. George Alston and the Memorial of Mercy Bedford to be again committed.

Recd. fom the House of Commons the Claim of George Hicks. Endorsed, read and referred as by the Senate.

Recd. likewise the following message:

Mr. Speaker and Gentlemen:

We do not concur with the report of the Committee of Propositions and Grievances on the Claim of John Bartholomew and Edwin Harris, but propose that they be recommitted.

This proposition being read, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree that the Claims of John Bartholomew and Edwin Harris be again committed.

Recd. fom the House of Commons the Report of the Committee of Propositions and Grievances on the Petition of Mrs. Hannah Davis. Endorsed, read and concurred with.

Mr. Clinton presented the resignation of Rice Blackman, as one of the Justice of the Peace for the County of Sampson, which was read, accepted and sent to the House of Commons.

Mr. Sharpe presented the resignation of Windsor Peace, as one of the Justices of the Peace for the County of Randolph, which was read, accepted and sent to the House of Commons.

Reed. from the House of Commons the following Bills, vizt.:

The Bill to empower the Commissioners of the Town of Edenton to convey part of the Town Common to the Trustees of Smith's Academy.

The Bill for securing literary property.

The Bill to empower the County Wardens of the Poor for the Counties therein mentioned, to build Houses in their respective Counties for the reception of the Poor, and other purposes.

The Bill to amend an Act entitled "an Act for opening the land office, and other purposes."

The Bill to amend "an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland Rivers and Creeks."

The Bill for empowering the County Courts of Johnston and Duplin to levy a further tax on the Inhabitants of said Counties for defraying the expence of building the Court House, Prison and Stocks in the same.

The Bill to empower the Justices of Hertford and Tyrrell Counties to establish free ferries in the said Counties and to lay a tax for defaying the charges of the same; and

The Bill for the relief of the Officers, Soldiers and Seamen who have been disabled in the service of the United States during the late war. Each and every of them endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

Adjourned till To-morrow morning 9 o'clock.

THURSDAY, 25 December, 1785.

The House met.

On motion of Mr. Gillispie, seconded by Mr. Macon, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that the Councillor yet to be made choice of be balloted for at 4 of the Clock this Evening, and nominate Dr. King and Spyers Singleton, Esquire.

Recd. from the House of Commons a Bill to direct the proceedings of proving Wills and granting letters of administration. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Recd. likewise the following Bills, to-wit:

A Bill increasing the jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace out of Court, and directing the times of holding the several Courts in this State; and

A Bill for erecting the Counties of Richmond, Johnston, Cumberland, Sampson and Moore into one district, and appointing a Superior Court of Law and Equity to be held for the said Counties, and for altering the times for holding the Courts of the said Counties, within the said District, and for erecting a District Court House and Gaol. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, the former passed the first time & returned and the latter was rejected.

Recd. also the Bill to appoint and enable Abner Nash, Esquire, to collect and publish in one or more volumes all the Acts of the General Assembly, which are now in force in this State. Endorsed, read the second time, amended and passed.

Ordered that this Bill be again read, which being read, was rejected.

On motion of Mr. John Armstrong, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

It is the opinion of this House that a new Dedimus issue to the County of Surry for the qualification of the Gentlemen named in the list herewith sent you, as Justices of the Peace for the said County.

Adjourned till 4 of the Clock P. M.

Met according to adjournment.

On motion of General Ramsey, seconded by Mr. Riddick, Resolved, That Mr. Coor, Mr. Moore, General Harrington, Mr. Macon, Mr. Spicer and Mr. Lewis be added to the Committee appointed to report on the Treasurer's accounts, and that the House of Commons have notice hereof by the following message:

Mr. Speaker and Gentlemen:

We have added Mr. Coor, Mr. Moore, General Harrington, Mr. Macon, Mr. Spicer, and Mr. Lewis to the Committee appointed to consider of and report on the Public Treasurer's Account.

Adjourned till To-morrow morning 9 o'clock.

FRIDAY, 16 December, 1785.

The House met.

Pursuant to a former order on that head the Bill for increasing the number of Judges for dividing the Superior Courts into different Circuits for establishing a Court for the decision of appeals, Writs of Error, and matters of Law, and Causes in Equity, was read, amended, passed the first time and sent to the House of Commons.

Recd. from the House of Commons the following Bills, to-wit:

A Bill to impose certain taxes on Law Proceedings.

A Bill to extend the line between Burke and Rutherford Counties, and

A Bill directing that Marriage Settlements, Contracts, &c., shall be registered. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the first time and returned.

Recd. likewise the following Bills, vizt.:

The Bill for establishing an Academy at Kinston, in the County of Dobbs; and

The Bill to establish a Superior Court of Law and Equity in the County of Davidson. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were amended, passed the second time and returned.

Mr. Macon presented the Memorial of Charles McDowell, Esquire, Brigadier General of the District of Morgan, setting forth that a large sum of money appears to have been drawn by Colonel Hugh Brevard and Colonel John Carter, for the purpose of paying Soldiers Bounties for which as Commanding Officer he stands charged on the

Comptroller's Books, which being read, was referred to the Committee appointed to report on the Treasurer's accounts and sent to the House of Commons.

On motion, Resolved, That Mr. Herndon be added to the Committee last mentioned, and that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We have added to the Committee appointed to report on the Treasurer's accounts, Mr. Herndon.

Recd. from the House of Commons the resignations of Rice Blackman and Salathiel Martin, as Justices of the Peace, the former for Sampson and the latter for Surry County. Endorsed, read and accepted.

General Rutherford, from the Committee to whom was recommit-
ted the Memorial of George Alston, reported as followeth, vizt.:

It appearing to your Committee, that doubts may arise in future with respect to Mr. Alston being entitled to the privileges of a free Citizen, we recommend his case as a singular one, and that he be restored to all the rights of Citizenship; that it also appears to your Committee, the said George Alston did before his departure to Europe, give unto a certain Mary Alston Bell, a Tract or Parcel of Land lying in Granville County, containing about two hundred and seventy Acres, which the said George purchased of Malachi Reeves and Ann Hopkins, also a negro Boy named Cæsar; on which your Committee recommend that a Bill be brought in to vest in the said Mary Alston Bell the title of the said Land and Negro; observing always that nothing herein is meant to restore the said Alston to any Estate or any part thereof forfeited to the public by any of the confiscation Laws. All which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Recd. from the House of Commons a Bill for emitting one hundred thousand pounds paper Currency for the purposes therein expressed. Endorsed, read the first time and passed,

Ordered that this Bill be read, which being read, was passed the first time and returned; whereupon,

On motion of Mr. Payne, seconded by Mr. Macon, ordered that the yeas and nays be taken on the passage of this Bill which were as follows, to-wit:

For the passage of the Bill—Mr. Warrington, Mr. Herritage, Mr. Miller, Mr. Harget, Mr. Easton, Mr. Relf, Mr. Jones, Mr. Herndon, Mr. Etheridge, Mr. Williams, Mr. Mooring, Mr. McCawley, Mr. Moore, General Ramsey, Mr. Lewis, Mr. T. Armstrong, Mr. Clinton, Mr. Bledsoe, Mr. Gillispie, Mr. Harris, Mr. Bryan, Mr. Parson, Mr. Campbell, Mr. Alexander, General McDowell, Mr. Hines, Mr. Brown, Mr. Hawkins, General Rutherford, Mr. Spicer, General Harrington, Mr. F. Miller, Mr. I. Armstrong, Mr. Coor and Mr. Griffin.—36.

Against the passage of this Bill and for rejecting it—General Gregory, Mr. Riddick, Mr. Payne, Mr. Macon, Mr. Battle, Mr. McCulloch and Mr. Wynns.—7.

So the Bill was passed.

Recd. by way of the House of Commons a message from His Excellency the Governor, addressed to the General Assembly, submitting to the consideration of the two Houses certain amendments by him proposed to be made in such Grants for Lands, military and other Commissions as may hereafter be issued; which being read, Resolved, That this House do approve of the same; whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

It is the opinion of this House that the amendments proposed by His Excellency the Governor, to be made in the style of Grants and Commissions hereafter to be issued, be adopted.

Recd. from the House of Commons the Memorial of Mr. Benjamin Seawell. Endorsed, read and referred as by the Senate.

Recd. from the House of Commons a Bill to amend the Acts passed for purchasing a Lott or Lotts in the Town of Wilmington for the purposes of building a Jail for the District of Wilmington & for repairing the Court House of said District. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Adjourned till to-morrow morning 9 o'clock.

SATURDAY, 17 December, 1785.

The House met.

General McDowell presented the Memorial of Philip Alston, of Moore County, praying that an act of pardon may be passed in his favour, freeing him from the consequences which may arise from his having put to death a certain Thomas Taylor, a person disaffected to the State, which being read, was referred to a Special Committee; the members chosen on the part of this House were Mr. McCawley, General Rutherford, General McDowell and General Harrington.

Mr. Payne, from the Committee to whom was referred the Memorial of Mr. Benjamin Seawell, reported as followeth, vizt.:

That after taking the premises under consideration, your Committee are of opinion that the Memorialist's Claims do not come with propriety before the General Assembly and therefore no allowance ought to be made.

MICHAEL PAYNE, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Recd. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

This House cannot concur with the report of the Committee on the Memorial of Mr. Alston as it was agreed to by the Senate, but propose deleting all but the part thereof which recommends that a Bill be brought in to vest in Mary Alston Bell the Land and Negro therein mentioned; if the Senate will make the Report conformable to this Proposition the Commons will then concur with it.

This Proposition being read, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree to your proposed amendment in the report of the Committee on the Memorial of George Alston, and have made the amendment accordingly.

Reed. from the House of Commons a Memorial from the Treasurer of the State. Endorsed, read and referred to a joint Committee; the members chosen on the part of this House are Mr. Williamson, Mr. Person and Mr. Blount; which being read was, on the part of the Senate, referred to Mr. Coor and Mr. Macon.

Mr. Lewis moved for leave and presented a Bill vesting certain property lying in the County of Granville in Mary Alston Bell in fee simple; which being read, was passed the first time and sent to the House of Commons.

Reed. from the House of Commons the Bill to enable the Public Treasurer more effectually to recover public monies that are now due, or hereafter may become due. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Reed. likewise the Memorial of Messrs. Stanleys, of the Town of New Bern, Merchants. Endorsed, in the House of Commons, read and referred to a joint Committee; the members chosen on the part of this House are Mr. Williamson, Mr. Person and Mr. Blount; which being read was, on the part of the Senate, referred to General Harrington, Mr. Coor and Mr. Easton and returned.

General Harrington presented the Memorial of General Gregory, setting forth that he had formerly received money to a considerable amount for the purpose of paying bounties to Militia Soldiers, a part of which, owing to its rapid depreciation, he never expended and for which he now stood charged on the Comptroller's Books; praying the Assembly to take order thereon; which being read, was referred to the Committee to whom was referred the accounts of General Rutherford, and sent to the House of Commons.

Reed. from the House of Commons the Memorial of Mr. Josiah Parker, of Virginia. Endorsed, read and referred to the Committee to whom was referred the Memorial of Messrs. Stanleys; which being read, was referred in like manner and returned.

Reed. likewise the following Bills, to-wit:

The Bill to amend an Act for establishing a Town on the lands of Richard Evans, by the name of Martinborough, passed at New Bern, 1771; also another act to amend the before recited Act passed at New Bern in 1774.

A Bill to amend an Act for making provision for the poor, and

A Bill to amend an act entitled "an Act for the better observation of the Lord's day commonly called Sunday." Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, the first and second were passed the second time & returned, and the third was rejected.

Recd. likewise the Bill to empower Commissioners therein mentioned to sell the Palace and Public Lotts belonging to the same, in the Town of New Bern; which being read, ordered that Mr. Macon and Mr. Coor have leave to withdraw the Bill for amendment.

On motion agreed that Mr. Campbell have leave to absent himself from the service of this House after Wednesday next.

Recd. from the House of Commons the Bill to amend an act passed at New Bern in 1784, entitled "an Act to describe and ascertain such persons who owed allegiance to this State, and to impose certain disqualifications on certain persons therein described. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

The following Clause of the said Bill to-wit:

"Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every person who at any time since the nineteenth day of April, 1775, attached himself to, or intentionally corresponded with or in any manner aided or abetted the enemies of this State in prosecuting the late War, shall be incapable of holding or exercising the Office of Governor, Councillor of State, Delegate in Congress, Judge, or Justice of the Peace, Member of the General Assembly, or any office of Honor, Profit or Trust in this State," being read, a motion was made and seconded that the words *nineteenth day of April, 1775*, should be struck out of this clause and the words *fourth day of July, 1776*, inserted in the place thereof; this being objected to the question was put when the House being equally divided the Speaker decided in favour of the proposed amendment.

So the words *nineteenth day of April, 1775*, were deled and the words *fourth day of July, 1776*, inserted; whereupon,

On motion of General Rutherford, seconded by Mr. Brown, or-

dered that the yeas and nays be taken on this question which were as follows, vizt.:

In favour of the proposed amendment—Mr. Coor, Mr. Riddick, Mr. Harget, Mr. Easton, Mr. Williams, Mr. T. Armstrong, Mr. Bledsoe, Mr. Parsons, Mr. Bryan, Mr. Gillispie, Mr. Battle, Mr. Macon, Mr. McCulloch, Mr. Hines, Mr. Wynns, Mr. Lewis and Mr. McCawley.—17.

Against the proposed amendment—Mr. Harrington, Mr. I. Miller, Mr. Jones, Mr. Herndon, Mr. Etheridge, Mr. Griffin, General Ramsey, Mr. Payne, Mr. Sharpe, General Rutherford, Mr. Harris, Mr. Alexander, Mr. Campbell, Mr. Brown, Mr. Hawkins, Mr. Spicer and General Harrington.—17.

Recd. likewise the Bill to amend the law relative to attachment of property. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected.

On motion, agreed that Mr. Macon have leave to absent himself from the service of this House after Saturday next.

Adjourned till Monday morning 9 o'clock.

MONDAY, 19 December, 1785.

The House met.

Mr. Gillispie moved for leave and presented a Bill for establishing a Militia in this State, which was read, passed the first time and sent to the House of Commons.

Recd. from the House of Commons the Bill to vest the Title of a piece or parcel of land lying in Granville County in James Cash and his Heirs, in fee simple. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

The Bill for empowering the Court of Randolph County to adjourn to the place which they shall think most convenient for holding the same, was read the third time, passed and sent to the House of Commons.

Recd. from the House of Commons the Bill to alter the place of holding the County Court of Beaufort County from Bath to the Town of Washington in the said County and to erect a new Court House, Prison, Pillory and Stocks in said County. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Mr. Macon and Mr. Coor who had leave to withdraw for amendment the Bill to impower the Commissioners therein named to sell the Palace and public Lotts belonging to the same, in the Town of New Bern, presented the said Bill as by them amended, which being read, was passed the second time and sent to the House of Commons.

Mr. Payne, from the Committee to whom was referred the Memorial of Petition of Mr. John Geddy, late Sheriff of Halifax County, in behalf of himself and Doctor Charles Pasteur, delivered in the following Report, vizt.:

That after examining the premises find the sum of fifty-two pounds two shillings and seven pence due to John Geddy, and the sum of fifty-eight pounds nine shillings & four pence due to Charles Pasteur, Esq., which is recommended to be paid them by the Treasurer. All of which is humbly submitted.

MICHAEL PAYNE, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

General Rutherford, from the Committee to whom was referred the Memorial of Philip Alston, delivered in the following Report, vizt.:

That from the Testimony of John Carroll, Esq., and Mr. John Kendrick, taken on Oath before your Committee, it appears that Thomas Taylor had long been and continued to be an Enemy to this State, and was actually guilty of misprision of Treason a few minutes before, if not at the very instant he fell into the rencontre with Colonel Philip Alston, that the said Alston then commanded a corps of Militia in the service of this State for the express purpose of supporting the Tories; the situation of the County (General Greene being at that time under the necessity of retreating before the British Army) and every circumstance your Committee are of opinion that Colonel Philip Alston should not be brought to Tryal on account of the death of the said Thomas Taylor; and they beg leave to suggest that a Recommendation from the Honourable the General Assembly to His Excellency the Governor to issue a Pardon to the

said Colonel Alston, would be the best method to close the enquiry. All which is submitted.

GRIFFITH RUTHERFORD, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

The Bill to amend the several Acts heretofore passed for regulating the Town of Wilmington, was read the second time and rejected.

Received from the House of Commons the Petition of Thomas and Titus Ogden. Endorsed, read and referred to the Committee appointed to report on the Memorial of Josiah Parker; which being read, was referred to the House of Commons and returned.

Recd. likewise the following Bills, vizt.:

A Bill to amend an Act intituled "an Act directing the mode of proceedings against the Real Estates of deceased Debtors where the personal Estate is insufficient for the payment of Debts,"

The Bill to erect and establish an Academy in the County of Duplin. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed, the former the first and the latter the second time and returned.

Mr. Coor presented the Memorial of John Tilghman, Esquire, setting forth that as Colonel of the County of Craven he had drawn considerable sums of money for the purpose of paying off the Bounties of Soldiers, the whole of which had been by him faithfully applied to the purpose aforesaid, notwithstanding which on account of the loss of sundry of his papers relative to the appropriation of his Money, he stood charged with a balance on the Comptroller's Books, praying the Assembly take order thereon; whereupon,

Resolved, That the Comptroller be directed to give Colonel John Tilghman, of Craven County a Credit on his books for two hundred and six pounds specie, the amount of his account returned to the Treasurer, as it appears to the satisfaction of the General Assembly by the Memorial of Colonel Tilghman rendered on Oath, that he hath faithfully applied the said sum to public purposes for the use of the State.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

General Harrington, from the Committee to whom was referred the Letter and Account of the Honourable Richard Dobbs Spaight, Esquire, as late Delegate in Congress, delivered in the following Report, vizt.:

Your Committee are of opinion Mr. Spaight be allowed the difference of exchange between the current Money of the State and gold and Silver Coin, which difference they conceive to be twenty-five per cent., which amounts from the State of his Account to four hundred pounds.

HENRY W. HARRINGTON, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith.

. Recd. from the House of Commons the following Bills, to-wit:

The Bill vesting certain property lying and being in the County of Granville, in Mary Alston Bond in fee simple; and

A Bill for the more speedy determining disputes that have risen or may hereafter rise in the Counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham from erecting Mill Dams and to prevent persons from building Mills as herein described. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the second time and returned.

Recd. likewise the Bill to alter the manner of holding elections for members of the General Assembly for New Hanover County. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Recd. also, the Bill for incorporating the Protestant Episcopal Church of Wilmington. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was rejected; Whereupon,

On motion of General Harrington, seconded by Mr. Gillispie, ordered that the yeas and nays be taken on the rejection of this Bill, which were as follows, vizt.:

For the passage of the Bill—Mr. Miller, Mr. Thomas Armstrong, Mr. Gillispie, Mr. McCulloch, Mr. Brown, General Rutherford, Genral Harrington and Mr. Sullivan.—8.

Against the passing of this Bill—Mr. Coor, Mr. Warrington, Mr. Herritage, Mr. Harget, General Gregory, Mr. Riddick, Mr. Easton, Mr. Relf, Mr. Jones, Mr. Herndon, Mr. Etheridge, Mr. Williams, Mr. Moore, General Ramsey, Mr. Lewis, Mr. Payne, Mr. John Armstrong, Mr. Bledsoe, Mr. Sharpe, Mr. Alexander, Mr. Parsons, Mr. Battle, General McDowell, Mr. Macon, Mr. Bryan, Mr. Hines, Mr. McCawley, Mr. Hawkins, Mr. Spicer, Mr. Lightfoot and Mr. Wynns.—31.

So this Bill was rejected.

Recd. from the House of Commons the Report of the Committee to whom was referred the Memorial of Colonel Philip Alston. Endorsed, read and concurred with.

Adjourned till to-morrow morning 9 o'clock.

TUESDAY, 20 December, 1785.

The House met.

Received from the House of Commons a Bill for ascertaining the Duties and Salary of the Public Printer. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Gillispie moved for leave and presented a Bill to empower certain persons therein named to receive, sue for and recover all such bequests, donations, Benefactions and other things as have heretofore been bequeathed, given or made by any person or persons whatsoever, for the use of the congregation of the Society of the Presbyterian Communion at Wilmington, which being read, was passed the first time and sent to the House of Commons.

General Harrington presented the Claim of Richard Farr, for a Wagon and Team lost in the public service, which being read, was referred to the Committee of Claims and sent to the House of Commons.

A Certificate of Allowance granted by the General Assembly in the year 1781 in favour of the late Reverend Charles Couples was read; whereupon,

Resolved, That Mrs. Ann Couples, Relict of the Rev. Mr. Charles Couples, be allowed the sum of seventeen pounds fifteen shillings and five pence half penny, with Interest thereon from the 19th of Feb-

ruary, 1781, until paid; and that the Treasurer pay the same and be allowed in the settlement of his public accounts.

Ordered that this Resolve be sent to the House of Commons for their Concurrence.

Mr. Brown moved for leave and presented an additional Bill to amend the several Acts regulating the Town of Wilmington, and to regulate and restrain the conduct of slaves, and others in the said Town and the Towns of Washington, Edenton, and Fayetteville; which was read the first time, passed and sent to the House of Commons.

Recd. from the House of Commons the Resolve of this House of yesterday in favour of Colonel John Tilghman. Endorsed, read and concurred with.

Recd. likewise the report of the Committee to whom was referred the Memorial of the Public Treasurer. Endorsed in the House of Commons, read and concurred with as to the two first sections, the last section being read for the future consideration of the House and have appointed Mr. Cain and Mr. Tisdale on our part, to carry into effect the Recommendation therein, this

(This paragraph here ends abruptly and the record for several days is much mixed).

On motion of Mr. Macon, seconded by Mr. McCawley, ordered that the Bill for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace out of Court, and directing the time of holding the several Courts of this State, this day received from the House of Commons, lie on the Table until to-morrow morning and that it then be read for the second time in this House.

Recd. from the House of Commons the following Bills, to-wit:

The Bill empowering the Commissioners appointed to settle the accounts of the United States with the State of North Carolina, or the Creditors of the United States within the said State, to call witnesses and to examine them upon Oath or affirmation touching such accounts.

The Bill for the Inspection of Tobacco in the County of Surry.

The Bill empowering the Court of Randolph County to adjourn to the place which they shall think most convenient for holding the same.

The Bill for appointing a Treasurer in the District of Edenton for the purpose of calling to account the Commissioners for building a public Jail in the District aforesaid.

The Bill for the Inspection of Tobacco in the County of Davidson, in the town of Nashville on Cumberland River.

The Bill for annexing part of the County of Pitt to Beaufort County, and

The Bill to allow further time for saving Lotts within this State. Respectively endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third time by this House.

Adjourned till to-morrow morning 9 o'clock.

WEDNESDAY, 21 December, 1785.

The House met.

Received from the House of Commons a Bill to amend and explain an act for opening the land office, & for adding part of the Officers and Soldiers boundary to the County of Davidson. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

General Rutherford presented the Memorial and Petition of Paul Martin setting forth that he had apprehended and delivered to the Keeper of New Bern District Gaol two Felons, for which he wished an allowance and praying that some order might be taken thereon; Whereupon,

Resolved, That Paul Martin in consideration of his apprehending and delivering to the keeper of the District Gaol of New Bern, Rice Bass and Herman Bass, two capital offenders against the laws of this State, be allowed the sum of fifty pounds and that the Treasurer pay him the same and be allowed therefor in the settlement of his public accounts.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Recd. from the House of Commons the Bill for emitting one hundred thousand pounds in paper currency for the purposes therein expressed. Endorsed, read the second time, amended and passed.

Ordered that this Bill lie on the Table until To-morrow, and that it be then read the second time in this House.

Reed. likewise by way of the House of Commons the Report of the Committee to whom was referred the Memorial and the Petition of Mr. John Burgwin, Merchant. Endorsed, read and concurred with; which report was drawn up in the following words, to-wit:

Your Committee to whom was referred the Petition of John Burgwin, are of the opinion that it be referred to the decision of the Laws of the Land to which, they are informed, he has had recourse.

The House taking this report into consideration, Resolved, That they do not concur therewith; whereupon,

Ordered that the yeas and nays be taken on this question which were as follows, to-wit:

For concurring with the report—Mr. Coor, Mr. Easton, Mr. Herndon, Mr. Jones, Mr. Mooring, Mr. Thomas Armstrong, Mr. Gillispie, Mr. Alexander, Mr. Parsons, Mr. McCulloch and Mr. Lightfoot.—11.

Against concurring and for rejecting this Report—Mr. Warrington, Mr. Herritage, Mr. J. Miller, Mr. Harget, General Gregory, Mr. Riddick, Mr. Relf, Mr. Etheridge, Mr. Williams, Mr. McCawley, General Ramsey, Mr. Lewis, Mr. Payne, Mr. I. Armstrong, Mr. Bledsoe, Mr. Sharpe, Mr. Harris, Mr. Bryan, Mr. Campbell, Mr. Battle, General McDowell, Mr. Macon, Mr. Brown and Mr. Hawkins.—24.

So this report was rejected.

We have rejected the Report of the Committee on the Petition of John Brady and others, and propose that the Resolve herewith sent you on that head be substituted in lieu thereof.

Received from the House of Commons the following Reports, vizt.:

The Report of the Committee to whom was referred the Letter from Captain Robert Fenner.

The Report of the Committee on Colonel Thomas Clark's Letter.

The Report of the Committee on the Petition of Mrs. Elizabeth Miller.

The Report of the Committee on the Petition of Timothy de Munroe.

The Report of the Committee on the Petition of Doctor Robert Hornby, and

The Report of the Committee on the Petition of Edward Hall, Esquire. Respectively endorsed, read and concurred with.

The House taking these several Reports into Consideration, Resolved, That they do concur therewith.

Received likewise the following Bills, to-wit:

A Bill to amend the several Acts heretofore passed for regulating the Town of Wilmington; and

A Bill for directing the mode of proceeding on impeachments. Each endorsed in the House of Commons, read the first time and passed.

Ordered that these Bills be read, which being read, were passed the former the second and the latter the first time and returned.

Mr. Macon, presented the Petition of James Miller, Esquire, setting forth that he had furnished the troops of this State with a number of Beef Cattle, &c., for which he had received no allowance; which being read, was referred to the Committee of Claims and sent to the House of Commons.

Reed., by way of the House of Commons, a Message from His Excellency the Governor, addressed to the General Assembly and accompanied by sundry papers purporting to be Resolutions of a body of men stiling themselves *Representatives of the State of Franklin*, which being read, were ordered to be referred to the consideration of the Committee appointed to report on the former messages & papers from his Excellency the Governor, it was likewise ordered that General McDowell and Mr. McCawley be added to this Committee.

Adjourned till 4 o'clock p. m.

Met according to adjournment.

Reed. from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We propose that the report of the Committee on the representation of the Secretary be committed and that the Committee be directed to report the facts proved before them specially.

This Message being read it was ordered that the following be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We agree that the report of the Committee on the Representation of the public Secretary be committed as by you proposed.

Recd. from the House of Commons a Bill to release Simon Terrell and Joseph Kirk from the Forfeiture of a Recognizance and from the Judgment which ensued thereon. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Mr. Herndon moved for leave and presented a Bill to empower Commissioners to build a Court House, Prison and Stocks in the County of Wilkes, and other purposes, which was read, passed the first time and sent to the House of Commons.

Recd. from the House of Commons the Bill for ascertaining the Duties and Salary of the Public Printer. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

The several amendments agreed on were now inserted in the Bill for emitting one hundred thousand pounds in paper currency for the purposes therein expressed. Whereupon, the Bill was put on its passage when it was passed the second time and ordered to be engrossed.

The Yeas and Nays being required on the passage of this Bill by Mr. Payne, seconded by Mr. Battle, were as follows, to-wit:

For the passage of this Bill—Mr. Coor, Mr. Herritage, Mr. J. Miller, Mr. Harget, Mr. Easton, Mr. Relf, Mr. Jones, Mr. Herndon, Mr. Williams, Mr. Etheridge, Mr. Mooring, Mr. Moore, General Ramsey, Mr. Lewis, Mr. Thomas Armstrong, Mr. I. Armstrong, Mr. Bledsoe, Mr. Gillispie, Mr. Sharpe, Mr. Harris, Mr. Alexander, Mr. Bryan, Mr. Parson, Mr. Campbell, General McDowell, Mr. Brown, Mr. Hawkins, General Rutherford, Mr. Spicer, Mr. Herritage, and Mr. Stephen Miller.—31.

Against the passage of this Bill—Mr. Warrington, General Gregory, Mr. Riddick, Mr. Payne, Mr. Battle, Mr. Macon, Mr. McCulloch and Mr. Lightfoot.—8.

So this Bill was passed the second time.

On motion, agreed that Mr. Moore have leave to absent himself from the service of this House after Saturday next.

On motion, it was likewise agreed that Mr. Relf have leave to

absent himself from the service of this House after Saturday next.

Reed. from the House of Commons the Petition of the Militia Officers of Wilkes County. Endorsed, read and referred to a joint Committee, the members chosen on the part of this House are Mr. Polk, Mr. Blount and Mr. Jno. P. Williams; which being read was, on the part of the Senate, referred to General Rutherford, General McDowell and General Harrington.

Reed. likewise the Report of the Committee to whom was referred the letter and account of General Rutherford. Endorsed, read and concurred with; which being read, was concurred with by this House and returned.

Adjourned till to-morrow morning 9 o'clock.

THURSDAY, 22 December, 1785.

The House met.

Pursuant to the order of the Day "the Bill for emitting one hundred thousand pounds in paper currency for the purposes therein expressed," was read and sent to the House of Commons with sundry amendments proposed by this House.

On the reading of this Bill a motion was made and seconded that it be amended by deleing the words *One Hundred Thousand* and inserting in their place the words *Eighty Thousand*, this being objected to the question was put and carried in the negative; whereupon, on motion of Mr. Macon, seconded by Mr. Payne, it was ordered that the yeas and nays be taken which were as follows, vizt.:

For the amendment—Mr. Warrington, General Gregory, Mr. Ridick, Mr. Etheridge, Mr. Payne, Mr. Bledsoe, Mr. Battle, General McDowell, Mr. Macon, Mr. McCulloch, Mr. Lightfoot and Mr. Wynns.—12.

Against the proposed amendment—Mr. Coor, Mr. Herritage, Mr. J. Miller, Mr. Harget, Mr. Easton, Mr. Relf, Mr. Jones, Mr. Hendon, Mr. Williams, Mr. Mooring, Mr. McCawley, Mr. Moore, General Ramsey, Mr. Lewis, Mr. T. Armstrong, Mr. Gillispie, Mr. Sharpe, Mr. Alexander, Mr. Bryan, Mr. Parsons, Mr. Campbell, Mr. Hines, Mr. Brown, Mr. Hawkins, General Rutherford, Mr. Spicer, General Harrington and Mr. Stephen Miller.—28.

So the question was lost.

A motion was likewise made and seconded that this Bill be amended by deleing *fifty shillings*, the sum which the Commissioners for

purchasing Tobacco for the use of the public are limited to the hundred weight, and by inserting in its place the Words *the current price at the time of purchasing*; this being objected to the question was put and carried in the negative; when the yeas and nays being called for by Mr. Macon, seconded by General Harrington, were as follows, to-wit:

For the proposed amendment—Mr. Herritage, Mr. Harget, Mr. Relf, Mr. Jones, Mr. Mooring, Mr. Lewis, Mr. Thos. Armstrong, Mr. Payne, Mr. Bledsoe, Mr. Gillispie, Mr. Parsons, Mr. Macon, Mr. Hines, Mr. Brown, Mr. Hawkins, General Rutherford and Mr. Miller.—17.

Against the amendment—Mr. Coor, Mr. Warrington, Mr. J. Miller, Mr. Riddick, Mr. Easton, Mr. Herndon, Mr. Etheridge, Mr. Williams, Mr. McCawley, Mr. Moore, General Gregory, General Ramsey, Mr. J. Armstrong, Mr. Sharpe, Mr. Alexander, Mr. Bryan, Mr. Campbell, Mr. Battle, General McDowell, Mr. McCulloch, Mr. Spicer, Mr. Lightfoot and Mr. Myers.—23.

So this question was lost.

Pursuant to the order of yesterday “the Bill for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court, and directing the time of holding the several Courts of this State,” was read, amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

Recd. from the House of Commons the Report of the Committee to whom was referred the consideration of the Representation of the Secretary of the State. Endorsed, read, amended and concurred with.

The House taking this report into consideration, Resolved, That they do not concur with the same as it stands amended; whereupon,

Ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

This House do not concur with the report of the Committee appointed to consider of the Secretary’s Representation as it now stands but will concur with it, provided you will stet that part thereof which now stands delede.

Recd. from the House of Commons the Report of the Committee

to whom was referred the Petitions of John Brady, Robert Dunlap, William Dunlap. Endorsed, read and concurred with.

The House taking this Report into consideration, Resolved, That it be rejected. Whereupon,

It was Resolved, That the Collector of Port Roanoke on the payment of all lawful duties and expences attending the seizure, deliver to Mr. John Brady, Robert Dunlap and William Dunlap all and singular their Goods seized by him for non-payment of the lawful duties.

Ordered that the foregoing resolution, with the following Resolution, be sent to the House of Commons:

Mr. Speaker and Gentlemen:

This Report being read was concurred with by the House of Commons and returned and Mr. Macon appointed on the part of this House, to carry into execution, jointly with the Gentlemen appointed by the House of Commons, the Recommendation contained in the said Report.

Adjourned till 4 o'clock P. M.

Met according to adjournment.

Recd. from the House of Commons the Resolution of this House in favour of Mrs. Ann Couples, Relict of the late Rev. Charles Couples. Endorsed, read and concurred with.

Read the Petition of Captain John McCrohon in behalf of himself and Company, setting forth, that in the year 1780, they had a vessel impressed and destroyed when in public service for which they have received no satisfaction praying the General Assembly to take order thereon; whereupon,

Ordered that this Petition be referred to the Committee to whom was referred the Memorial of Messrs. John Wright and Wright Stanley, and sent to the House of Commons.

Mr. Gillispie, from the Committee of Propositions and Grievances to whom was referred the Petition of Mercy Bedford, reported as follows, to-wit:

That after mature deliberation on the premises your Committee are of opinion that the Estate of Jonas Bedford comes within the meaning of the Confiscation act, but as the case of the said Mercy Bedford is a singular and very distressed one your Committee recommend that she be impowered to dispose of the personal estate, or so

much thereof as she may think expedient for the support of herself and children, also to collect the debts due to the said Jonas Bedford and after paying the debts due from the said Jonas, to apply the balance to the support of herself and children; and that the landed estate of the said Jonas Bedford be vested in the Heirs male, of the said Jonas and Mercy Bedford.

JAMES GILLISPIE, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons:

Reed. from the House of Commons the Bill to amend an act passed at Hillsborough the 27th day of October, 1784, entitled "an Act for appointing Collectors of the Imposts at the several Ports of this State, and for regulating the duty of naval officers, the officers of the customs and masters of vessels." Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

Reed. likewise the Report of the Committee to whom was referred a letter from the Honourable Benjamin Franklin, Esquire, in favour of Mr. Edward Bridgen of the City of London. Endorsed in the House of Commons, read and concurred with; which being read, was concurred with and returned.

Mr. Lightfoot, pursuant to the aforesaid Report, moved for leave and presented a Bill to restore to Edward Bridgen his Estate, and to repeal so much of the Confiscation Laws which respect the same; which being read, was passed the first time and sent to the House of Commons.

Adjourned till To-morrow morning 9 o'clock.

FRIDAY, 23 December, 1785.

The House met.

Received from the House of Commons the Bill for recovering part of the artillery belonging to this State. Endorsed, read the first time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received likewise the Bill for the relief of Mercy Bedford and to vest in the Heirs of Jonas and Mercy Bedford the landed Estate of the said Jonas Bedford. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Received also the Report of the Committee to whom was referred the Petition of James Kenan, Esquire. Endorsed, read and concurred with; which being read was concurred with and returned.

Received from the House of Commons the following resolution, to-wit:

It having been represented to this House, that a vessel is arrived at New Bern from Nova Scotia with several Negroes on board, the property of the Citizens of the United States, and that there is danger that the said negroes may be secreted so that they may be lost to the owners; Resolved, That his Excellency the Governor, be requested to take such measures as may be necessary for securing the said negroes for the benefit of the respective owners.

The House taking this Resolve into consideration concurred therewith, and ordered that it be returned.

Received likewise the Report of the Committee to whom was referred the Memorial of Isaac Reid and Moses Griffin. Endorsed, read and concurred with; which being read, was concurred with and returned.

On motion of Mr. Gillispie, the House resolved as followeth, to-wit:

Whereas, it appears to this Assembly that a certain John Gilyard, late of the town of Wilmington, decd., did in his life-time furnish this State with sundry articles of valuable produce, and at different periods performed personal service in the defence of this State and of the United States, for which no payment hath been made, and it is also suggested that a sum of money is due from the Estate of the said John Gilyard for rent of a confiscated House in the said Town of Wilmington,

Resolved therefore, That the Treasurer be directed to forbear commencing any suit against the Administrators of John Gilyard for the above mentioned rent, until the end of the next General Assembly in order that justice may be done to the estates of the said deceased.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Recd. from the House of Commons the Bill to prevent the stoppage of Fish from running up Cape Fear River, Deep River, Haw River and Rocky River. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was rejected.

Received from the House of Commons a Resolve in favour of Thomas Malloy, which was read, concurred with and returned.

Received likewise the Bill for extending the line between Burke and Rutherford Counties. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

Received also the Report of the Committee to whom was referred the Petition of John Armstead. Endorsed in the House of Commons, read and concurred with; which being read, was concurred with and returned.

Received from the House of Commons the Bill to empower the Wardens of the Poor to call to Account all former Sheriffs, Clerks of County Courts & other persons who have not accounted for taxes and fines by them received, which are appropriated or intended for the support of the Poor. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received likewise the Bill directing that marriage settlements and other marriage contracts shall be registered and for preventing injury to creditors. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received also, the Bill for confirming titles to lands therein described. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was rejected.

Mr. Coor presented the resignation of Jonathan Banks as Justice of the Peace for Pasquotank County, which was read, accepted and sent to the House of Commons.

Received from the House of Commons the Bill to restore to Ed-

ward Bridgen his estate and repeal so much of the confiscation laws as respects the same. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and sent to the House of Commons.

Received likewise, the Bill to amend an Act entitled "an Act directing the mode of proceeding against the Real Estates of deceased debtors where the personal estate is insufficient for the payment of the debts." Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was rejected.

Received also the following message:

Mr. Speaker and Gentlemen:

We propose the Resolve herewith sent you for your concurrence, in favour of John Brady and Company, in lieu of the one by you entered into on the same subject.

The Resolve alluded to in the foregoing being read was concurred with; whereupon, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We have concurred with and return the Resolve of your House in favour of John Brady and Co.

Received from the House of Commons the Bill for empowering Commissioners to liquidate the accounts of the officers and soldiers of the Continental Line of this State. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the second time and returned.

Adjourned till 4 of the clock P. M.

Met according to adjournment.

On motion, agreed that General Harrington and Mr. Harget, on the part of this House, be appointed in addition to the Committee already appointed for examining the engrossed Bills, and that the House of Commons have notice hereof, by the following message:

Mr. Speaker and Gentlemen:

We have appointed General Harrington and Mr. Harget, in addition to the Gentlemen already appointed, to examine and compare the engrossed Bills.

Received from the House of Commons the Report of the Committee to whom was referred the Memorial of Messrs. Stanleys, the

Surviving partners of Messrs. Stanleys and Green. Endorsed, read amended, and concurred with as amended; which being read, was concurred with as by the House of Commons and returned.

Received at the same time the following Resolve, consequent on the aforesaid report, to-wit:

Resolved, That the Treasurer pay to Messrs. Stanleys and Green one Thousand pounds, in part of their extraordinary supplies to this State during the late war; and that the Auditors for New Bern District take up and destroy the certificates which they issued to said Stanleys and Green for three thousand one hundred and five pounds six shillings, and issue others for the sum of two thousand one hundred & five pounds six shillings.

This Resolve being read, was likewise concurred with and returned.

Whereupon, the yeas and nays being required by Mr. Campbell, seconded by General Ramsey, were as follows, to-wit:

For concurring with this Resolve—Mr. Coor, Mr. Warrington. Mr. Herritage, Mr. Harget, General Gregory, Mr. Riddick, Mr. Easton, Mr. Jones, Mr. McCawley, Mr. Williams, Mr. Payne, Mr. Bledsoe, Mr. Harris, Mr. Bryan, Mr. Parsons, General McDowell, Mr. Macon, Mr. McCulloch, Mr. Hines, Mr. Lightfoot and General Harrington.—21.

Against concurring and for rejecting this Resolve—Mr. J. Miller, Mr. Relf, Mr. Herndon, Mr. Etheridge, Mr. Mooring, Mr. Moore, General Ramsey, Mr. Lewis, Mr. Thos. Armstrong, Mr. I. Armstrong, Mr. Gillispie, Mr. Sharpe, Mr. Alexander, Mr. Campbell, Mr. Battle, Mr. Brown, Mr. Hawkins, General Rutherford and Mr. S. Miller.—19.

Adjourned till to-morrow morning 9 o'clock.

SATURDAY, 24 December, 1785.

The House met.

Received from the House of Commons the following Bills, to-wit:

The Bill to establish a Town in the Fork of the Cumberland and Red Rivers, on the East side of Red River, in Davidson County;

The Bill for erecting and establishing a Town in the County of Lincoln;

The Bill for erecting a Town on the lands of Whitmill Hill, in Martin County, on Roanoke River;

The Bill for erecting a Town on the lands of Luke Mizzell and William Mackay, in Martin County;

The Bill for the better regulation of the Town of Tarborough;

The Bill to alter the manner of holding elections for members of the General Assembly for New Hanover County;

The Bill for the promotion of learning in the County of Davidson, and

The Bill for the relief of the Widows and Orphans of officers who have died in the service of the United States. Respectively Endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were each of them passed the third and last time in this House.

Received likewise a Bill directing the mode of levying Executions. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected.

Received also the following message:

Mr. Speaker and Gentlemen:

We have on our part appointed Mr. Avery and Mr. McDowell to examine the engrossed Bills.

Received from the House of Commons a Bill to amend an act passed at Hillsborough on the 22nd of October, 1784, Entitled "an Act for appointing Collectors of the Imposts," &c. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was rejected.

Received likewise the following message:

Mr. Speaker and Gentlemen:

This House have rejected the Recommendation of Justices of the Peace for the County of Dobbs, but as it is represented the want of a Justice in Kinston is an inconvenience, we will agree that John Court be added to the Commission of the Peace for that County.

Received also the Resolve of this House in favour of John Gilyard. Endorsed in the House of Commons, read and concurred with.

Mr. Spicer, from the Committee to whom was referred the accounts of the Comptroller and the list of warrants delivered the last year of His Excellency the Governor, delivered in the following report, to-wit:

That after examining the accounts of His Excellency, Richard Caswell, Esq., while Comptroller from the 12th of May, 1782, to the 12th of May, 1785, the accounts as they stand stated are supported by the necessary vouchers as by law required, and that a balance is due said Comptroller of twenty pounds nine shillings nine pence, including all his clerks and other necessary expenditures therein.

Your Committee having also examined the list of warrants for the last year, are of opinion the same have been issued agreeable to the laws of this State. All which is submitted.

JOHN SPICER, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Recd. from the House of Commons the Bill to amend an act to prevent persons holding offices of profit from enjoying seats in the General Assembly. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected.

On motion of General McDowell, ordered that he have leave to withdraw for amendment the Bill to amend and explain an act for opening the land office, &c.

Received from the House of Commons the Bill for establishing a Militia in this State. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time & sent to the House of Commons.

Received likewise a Bill to exclude Naval Officers from holding seats in the General Assembly. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was rejected.

Received also the Bill for the regulation of Commerce. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

Received from the House of Commons the Bill to prevent the sale of such of the lands of Ralph McNair, decd., as remain unsold in this State and to impower Edward Hall, of Edgecombe County, Executor of the last Will and Testament of the said Ralph, to collect the debts due from the inhabitants of this State to the said Ralph

at the time of the confiscation of his property. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time and returned.

Received likewise a Resolve of the House of Commons in favour of the Heirs of Richard Henderson, decd., which being read, was concurred with and returned.

Received also the following message:

Mr. Speaker and Gentlemen:

We agree that the members of Davidson be allowed twenty-four days each, that is to say twelve for coming and the same for returning, &c.

Received from the House of Commons the Resolve of this House allowing James Miller, Esquire, as therein mentioned, for Beef and Cattle, &c., furnished the public. Endorsed, read and concurred with.

Adjourned till Monday morning next, 9 o'clock.

MONDAY, 26 December, 1785.

The House met.

Received from the House of Commons the Bill for destroying Wolves, Wild-Cats, Bears, Panthers, Crows and Squirrels in the several Counties therein mentioned. Endorsed, read the first time, amended and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Mr. Harget presented the Petition of William Orme, which being read, was referred to a special Committee; the members chosen on the part of this House were Mr. Campbell, Mr. Harget and General McDowell.

Received from the House of Commons a Resolve of that body in favour of the Heirs of Richard Henderson, Esquire, deceased, which being read was concurred with and returned.

Received likewise the Bill to impower Commissioners to build a Court House, Prison and Stocks in the County of Wilkes, and other purposes. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and sent to the House of Commons.

Received also, the Bill to release certain persons therein mentioned from Judgments on forfeited Recognizances and to empower the Judges to suspend Judgments hereafter to be given in like cases. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received from the House of Commons the Bill to empower certain persons therein named to receive, sue for, and recover all such bequests, Donations Benefactions, and other things as have heretofore been bequeathed, given or made by any person or persons whatever for the use of the congregation or Society of the Presbyterian Communion at Wilmington. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was amended, passed the second time and returned.

Received likewise, the Petition of William Orme. Endorsed in the House of Commons, referred to Mr. Williams, Mr. Donald and Mr. Leonard.

Mr. Lightfoot presented the Petition of Nathan Smith of the Town of New Bern, Which being read, the House resolved as followeth, vizt.:

Resolved, That the Collector of Duties for Port Beaufort do allow Nathan Smith of the Town of New Bern, the sum of forty-two pounds, in his, the said Smith's settlement for duties due the public, being the amount of two Hogsheads of Tobacco by him lent to this State in the year 1781, and that the Collector take up from said Smith an Auditor's certificate for that sum which shall be allowed him in the settlement of his public accounts.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Mr. Macon presented the Memorial of Lieutenant-Colonel Hardy Murfree of the late North Carolina line, which being read, the House resolved as followeth, to-wit:

Whereas, it is represented by Lieutenant Colonel Hardy Murfree of the late North Carolina line, that it now appears Two Entries or Locations of Lands, by him made within the bounds of the lands reserved for officers and soldiers of the Continental line of this State have been entered by others unknown to the said Murfree, previous to

his having entered or located the same, and that of course the said Entries on his part are null and void; therefore,

Resolved, That Colonel Hardy Murfree be permitted to locate or enter the like number of Acres of Land in any other part of the lands reserved for the use of the Officers and Soldiers as aforesaid, as are contained in the two locations or entries above mentioned.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Received from the House of Commons the Claims of Waightstill Avery, Esquire, on the public for services performed when Attorney for the State. Endorsed, read and referred to a joint Committee; the members chosen on the part of the Commons are Mr. Person, Mr. Williamson, and Mr. Polk; which being read, were ordered to lie till the next Assembly.

Received likewise the Bill to direct the proceedings in proving Wills and granting letters of Administration. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was rejected.

Received from the House of Commons the following Bills, to-wit:

The Bill for recovering part of the Artillery belonging to this State;

The Bill to alter the place of holding the County Court of Beaufort County from Bath to the Town of Washington in said County, and to erect a new Court House, Prison, Pillory and Stocks in said County;

The Bill for ascertaining the Salary of the Public Printer, and,

The Bill to prevent the Distillation of Spiritous Liquors for the time there mentioned in the County of Davidson.* Each and every of them endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

On motion, Resolved, That the members of this General Assembly who attended in New Bern in June last, be allowed the like daily wages as those who attend on this present session, and that the Clerks in making the estimate govern themselves accordingly.

*Wherever the county of Davidson is mentioned in this Journal it means Davidson County, Tennessee, in which the City of Nashville now stands.—Ed.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Received from the House of Commons the following message :

Mr. Speaker and Gentlemen :

A Resolution in favour of Mr. Miller has been concurred with by this House, in which it is directed that a certain sum should be paid him by the Collectors of Rutherford and Burke Counties, which we are of opinion ought to be confined to Rutherford only ; if the Resolve be so expressed we propose that the Senate reconsider the same and make the alteration according to the opinion of this House.

The House taking the proposition contained in the foregoing Message into consideration, Resolved, That it be rejected.

Received from the House of Commons the Bill for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions and of the Justices of the Peace out of Court, and directing the time of holding the several Courts of this State. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was passed the third and last time by this House.

Adjourned till to-morrow morning 9 o'clock.

TUESDAY, 27 December, 1785.

The House met.

Mr. Macon laid before the House the Instructions of His Excellency the Governor, to John Hunt, Esquire, relative to the getting the Laws and Journals of the last Session of Assembly printed, together with Mr. Hunt's representation of the Expence and Trouble he has subjected himself to, in consequence of such Instructions ; Whereupon,

Resolved, That John Hunt be allowed the sum of thirty-five pounds current money, for going to Richmond, in Virginia to get the laws and Journals of the last Session of Assembly printed, exclusive of his Expences amounting to eleven pounds fourteen shillings and eight pence ; which two sums, making in the whole forty-six pounds fourteen shillings and eight pence, the Treasurer is required to pay and for which this shall be his Warrant.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Received from the House of Commons a Bill to empower the Freeholders and Freemen of the Counties of Washington, Sullivan and Greene* to return their Representatives otherwise than is hitherto described. Endorsed, read the first time and passed.

Ordered that this Bill be passed, which being read, was passed the first time and returned.

The resignation of Joseph Hines, as one of the Justices of the Peace for Richmond County, was read, accepted and sent to the House of Commons.

Received from the House of Commons the Bill to extend the line between the Counties of Burke and Rutherford. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was rejected.

Mr. Gillispie presented the resignation of Mr. John Wright, as one of the Justices of the Peace for Duplin County, which was read, accepted and sent to the House of Commons:

Received from the House of Commons the following Bills, vizt.:

The Bill to amend an Act for establishing a Town on the lands of Richard Evans, by the name of Martinborough, passed at New Bern, November, 1771; also to amend another act to amend that before recited passed at New Bern in March, 1774; and,

The Bill to vest the Estate of Richard Caswell, Jr., in Trustees for the benefit of his Creditors. Respectively endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

Received from the House of Commons the Resignation of John Alexander as one of the Justices of the Peace for Lincoln County. Endorsed, read and accepted; which being read was accepted and returned.

Received likewise the Resolutions of this House of yesterday in favour of Colonel Hardy Murfree. Endorsed, read and concurred with.

Received also the Report of the Committee to whom was referred the Petition of Robert Simms. Endorsed, read and concurred with.

Mr. Riddick, from the Committee to whom was referred the Pe-

*These counties are in what is now Tennessee.—Ed.

tition in favour of Thomas Garrett of Chowan County, delivered in the following Report, to-wit:

The Committee to whom was referred the Petition in favour of Thomas Garrett of Chowan County, signed by upwards of one hundred Petitioners, Report:

That they have examined the same, together with the Certificate of Samuel Johnston, Esquire, annexed thereto, and are of opinion from the allegations set forth that it be recommended to the Judges of the Superior Courts of Law and Equity to enquire into the Truths thereof, and if they deem the case worthy of future inquiry to grant a new Trial to the said Thomas Garrett, and if a new Trial shall be consequently ordered, that on the surrender of the said Thomas Garrett he and his securities shall stand released from their former Recognizances. All which is submitted.

JOSEPH RIDDICK, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith and ordered that it be sent to the House of Commons.

On motion of Mr. Gillispie, the House resolved as followeth, vizt.:

Whereas, by an act of the last Session of Assembly the respective County Courts are vested with power to establish Toll Bridges and Causeways and it being evident that the said Act has on sundry instances been misconstrued; therefore,

Resolved, That it shall not be lawful for any person or persons to ask, demand or receive toll for any bridge so erected, until the same shall be finished with Hand-Rails, &c., and received by the Court of the County in which such Bridge may be, under the penalty of five pounds for each and every offence to be recovered by warrant from under the hand and seal of any Justice of the Peace.

Ordered that this Bill be sent to the House of Commons for their concurrence.

On motion of General Rutherford, seconded by Mr. Bledsoe,

Resolved, That no entry for lands made in or removed from either of the Counties of Burke, Rutherford, Washington, Sullivan or Greene with the Entry Takers of the said Counties shall hereafter be located on vacant or unappropriated Lands on the West side of the

Cumberland Mountains or without the limits of the said Counties, respectively; and the surveyors of the middle and western Districts are hereby directed to conduct themselves accordingly.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Received from the House of Commons a Resolution of that body of this date containing Instructions to the Treasurer relative to the Interest which may become due on Indented Auditors Certificates, and likewise relative to such monies as may be tendered them, which may be too much worn for circulation; which being read, was concurred with and returned.

Received likewise the Bill to prevent the sale of such of the lands of Ralph Macnair, decd., as remain unsold in this State, and to empower Edward Hall of Edgecombe County, Executor of the last Will and Testament of the said Ralph, to collect the debts due from the inhabitants of this State to the said Ralph which have become due to him since the passing of the law commonly called the expulsion Act. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be Engrossed.

The Bill to establish an Academy at Kinston in the County of Dobbs, and to amend the Act establishing the Academy in the District of Salisbury, was read the third and last time, passed and sent to the House of Commons.

Received from the House of Commons a Resolution of that Body of this date in favour of Robert Perkins of Chowan County, which being read, was rejected.

On motion, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We have received a Recommendation, agreed to by your House, adding to the Commission of the Peace Thomas Hines and William Hayes for the County of Wake; with the latter we concur and will readily agree to the addition of the former, provided that you will consent that he stand on the list with respect to seniority in the same manner that he did previous to his removal from the said County.

Received from the House of Commons the Resolution of this

House relative to the pay of the members who attended at New Bern in June last. Endorsed, read and concurred with.

Received likewise the resignations of Joseph Hines and John Wright as Justices of the Peace. Endorsed, read and accepted.

General McDowell, from the Committee to whom was referred the Petition of William Orme, delivered in the following Report, to-wit:

The Committee to whom was referred the Petition of William Orme, Esquire, have taken the same under consideration, and are of opinion that he is justly entitled to the sum of nineteen pounds thirteen shillings (debt and Cost), which was recovered of him by Waightstill Avery, Esq., on account of his specific tax for the year 1781, collected from him by the said William Orme, then Commissioner for Jones County, from which Tax Mr. Avery was released by a Resolve of the General Assembly.

CHARLES McDOWELL, Ch.

The House taking this report into consideration concurred therewith; whereupon,

Resolved, That the Treasurer pay unto William Orme of the County of Jones, the sum of nineteen pounds thirteen shillings, in full for that sum recovered from him, the said Orme, by Waightstill Avery, Esquire, being the amount of the said Avery's Specific Tax for the year 1781, Costs of suit included; from the payment of which tax in the County of Jones he was released by a Resolution of the General Assembly.

Ordered that the foregoing Report and Resolve be sent to the House of Commons for concurrence.

On motion of Mr. Brown, the House resolved as followeth, to-wit:

Whereas, it hath been made known unto this General Assembly that Nathan Stedman, the elder, and Duncan Ochiltree, have been fined fifty pounds each; Nathan Stedman, the younger, and James Dick, Twenty-five pounds each, and ——— Rome in the sum of Ten Pounds, all on a conviction for a Riot in the Town of Fayetteville, for which the persons aforesaid were tried, convicted and fined as is set forth at the Superior Court of Law and Equity for the District of Wilmington at the last Term; and it having been suggested that the fines as aforesaid compared with the circumstances of the

offenders and the nature of the crime whereof they stand convicted are excessive, therefore,

Resolved, That the persons as aforesaid shall stand discharged from the payment of such Fines respectively until the end of the next Session of Assembly, when the premises may have been more fully enquired into.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

On motion, ordered that the following message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We propose that the General Assembly ballot to-morrow morning at seven of the Clock for a Brigadier General of the Districts of Wilmington and New Bern, respectively; for a Judge of the Superior Court established in the County of Davidson; for one Councillor of State; for Superintendents of the press in printing the Money now to be emitted; for signers of the money; for Commissioners for purchasing Tobacco for the use of the public and for a public printer; and nominate for Brigadier General for the District of Wilmington Colonels Thomas Clark, James Kenan and John P. Williams; for Brigadier General for the District of New Bern Col. James Armstrong; for Justice of the Court of Law and Equity established in the County of Davidson John Haywood, Jun., Esquire; for a Councillor of State Doctor King and Spyers Singleton, Esquire; for Superintendent of the Press General Rutherford, William McCawley and James Gillispie, Esquires, and General Ramsey; for signers of the Money now to be emitted Mr. Absalom Tatom, Mr. John Macon and Mr. John Hunt; for Commissioners for purchasing Tobacco for public use John Haywood, Sen., for the town of Tarborough, John Whitaker, John Geddy and Thomas Christmas for the Town of Halifax and Robert Rowan for the Town of Fayetteville; and for Public Printers Messrs. Arnett and Hodge of the Town of New Bern.

Should you accede to this measure you will signify the same by Message. Mr. Payne and Mr. Brown will, on the part of this House superintend the balloting.

Received from the House of Commons a Resolution of that body

in favour of John Eaton, Coroner of Halifax County; which being read, was concurred with and returned.

Received likewise the Bill to amend the Act passed for purchasing a Lott or Lotts in the Town of Wilmington, for the purpose of building a Jail for the District of Wilmington and for repairing the Court House of the said District. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read, was amended by consent of the House of Commons, passed the second time and ordered to be engrossed.

Received likewise the Bill to empower the Freeholders and Freemen of the Counties of Washington, Sullivan and Greene to return their representatives otherwise than is hitherto directed. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received also, the following Bills, to-wit:

The Bill for the more speedy determining disputes that have arisen or hereafter may arise in the Counties of Rowan, Mecklenburgh, Rutherford, Guilford, Lincoln and Rockingham from erecting Mill-Dams, and to prevent persons from building Mills as herein directed;

The Bill directing that Marriage settlements and other marriage contracts shall be registered, and for preventing injury to creditors;

The Bill vesting certain property lying and being in Granville County in Mary Alston Bell in fee simple;

The Bill to establish a Superior Court of law and Equity in the County of Davidson;

The Bill for the regulation of Commerce;

The Bill for levying a tax for the support of Government and to continue the redemption of Continental money, old paper Currency, Specie and other Certificates; and

The Bill to empower Robinson Mumford and James Porterfield to receive Storage for Tobacco inspected and deposited in such Ware House or Houses as they shall build at Fayetteville. Each and every of them endorsed in the House of Commons, read the third time and passed.

Ordered that these Bills be read, which being severally read, were passed the third and last time by this House.

Received from the House of Commons the Bill for emitting one hundred thousand pounds in paper currency for the purposes therein expressed. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was passed the third and last time by this House.

The passage of this Bill being objected to, on motion of Mr. Payne, seconded by Mr. Riddick, it was ordered that the yeas and nays be taken which were as follows, to-wit:

For passing of this Bill—Mr. Coor, Mr. Herritage, Mr. J. Miller, Mr. Harget, Mr. Easton, Mr. Jones, Mr. Herndon, Mr. Etheridge, Mr. Williams, Mr. McCawley, Mr. Moore, Mr. Lewis, General Ramsey, Mr. Thomas Armstrong, Mr. I. Armstrong, Mr. Bledsoe, Mr. Gillispie, Mr. Sharpe, Mr. Harris, Mr. Alexander, Mr. Bryan, Mr. Parsons, Mr. Campbell, General McDowell, Mr. Hines, General Harrington, Mr. Brown, Mr. Hawkins, General Rutherford, Mr. Spicer and Mr. Stephen Miller.—31.

Against passing and for rejecting this Bill—General Gregory, Mr. Riddick, Mr. Payne, Mr. Battle, Mr. McCullock, Mr. Macon and Mr. Warrington.—7.

So this Bill was passed.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

This House propose that a joint Committee be appointed to examine and report what injury the State is likely to sustain by David Miller's ante-dating land Warrants and entering Western Lands since the office was shut, and have for this purpose appointed Messrs. Phifer, Singleton, Alexander, McKissick, Phillips and Isler.

This message being read was ordered to lie on the Table.

Adjourned till to-morrow morning 9 o'clock.

WEDNESDAY, 28 December, 1785.

The House met.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We agree to ballot as by you proposed, and add to your nomination for Brigadier General for the District of Wilmington Thomas

Brown, Esquire. Mr. John P. Williams desires that his name be withdrawn from the nomination for Brigadier General.

This House now proceeded agreeable to the message of yesterday, to ballot, which being ended, Mr. Payne and Mr. Brown, appointed on the part of this House to superintend the balloting, returned and reported as followeth, vizt.:

That James Kenan, Esquire, was elected Brigadier General of the District of Wilmington;

James Armstrong, Esquire, Brigadier General of the District of New Bern;

John Haywood, Jun., Esquire, Judge of the Superior Court of Davidson;

Doctor Miles King a member of the Council of State;

General Griffith Rutherford and James Gillispie, Esquire, Superintendants of the Press for printing the money now to be emitted;

John Hunt and Absalom Tatom, Esquires, signers of the money;

John Haywood for the Town of Tarborough, Robert Rowan for Fayetteville and John Whitaker for Halifax, Commissioners for purchasing Tobacco for the use of the Public; and

The Messrs. Arnett and Hodge were elected public printers.

The House taking this report into consideration, Resolved, That they do concur therewith.

On motion, Resolved, That James Coor, Frederick Harget and John Herritage, Esquires, be appointed Commissioners to examine and compare with the Checks all the Certificates, &c., now in the hands of the Comptroller, and cause the same to be punched through with a circular punch and make report to the next General Assembly.

Ordered that this Resolve be sent to the House of Commons for concurrence.

On motion, Resolved, That James Malloy be allowed the sum of twenty-five pounds twelve shillings for express riding, that the Treasurer pay him the same and be allowed therefor in the settlement of his accounts with the public.

Ordered that this Resolve be sent to the House of Commons for their concurrence.

Mr. Macon, from the Committee, delivered in the following Report, to-wit:

The Committee appointed to receive, examine and punch the several species of certificates from the Public Treasurer, report:

That they have received and punched in Warrants and other drafts taken up, to the amount of twenty-five thousand three hundred and seventy-two pounds fourteen shillings four pence three farthings. In Auditors and other certificates to the amount of Fifty-three thousand two hundred and twenty-nine pounds eight shillings and ten pence. All which were delivered to the Comptroller.

JOHN MACON, Ch.

The House taking this Report into consideration, Resolved, That they do concur therewith, and ordered that it be sent to the House of Commons.

Received from the House of Commons the Bill to explain and amend an Act directing the sale of confiscated property. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time by this House and returned.

Received likewise the report of the Committee appointed to receive from the Treasurer, punch, &c., the several species of certificates. Endorsed in the House of Commons, read and concurred with.

On motion, Resolved, That the House and Lott in the Town of Hillsborough commonly called the Blue House, now confiscated and belonging to the State, be reserved for the use of the Public Treasurer and other public uses until the General Assembly shall otherwise direct.

Ordered that this Resolve be sent to the House of Commons for their concurrence.

Whereas, it hath been represented to the General Assembly that many of the Inhabitants of the Counties of Franklin, Bertie, Wilkes, Rutherford, Burke and Mecklenburg have not paid the specific pecuniary taxes for the years 1780 and 1781; therefore,

Resolved, That the Sheriffs, Collectors and former County Commissioners of the aforesaid Counties be, and they are hereby authorized and required to collect the arrears of the said taxes in the respective Counties.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

The General Assembly have examined the accounts and lists of Warrants issued and granted by the late and present Governor of this State, do approve their Conduct, and Resolve, That the said Accounts be lodged with the Comptroller who shall examine the same and carry the amount of the monies so granted, whether for Continental, State or private purposes, to their proper accounts.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Received from the House of Commons the Bill for the relief of Mercy Bedford, and to vest in the Heirs of Jonas and Mercy Bedford the landed Estate of the said Jonas. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was passed the third and last time by this House.

Resolved, That House of Commons be allowed the sum of Three pounds fourteen shillings in full of that sum by him expended for the use of the public, that the Treasurer pay him the same and be allowed.

Sent for concurrence.

Received from the House of Commons the Bill to amend an act passed at New Bern, November, 1784, entitled "an Act to describe and ascertain such persons who owed allegiance to this State, and to impose certain disqualifications on certain persons therein described." Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read, was passed the third and last time by this House.

Resolved, That John Lockhart be allowed the sum of thirty pounds for his Services as Clerk to the Committee of Propositions and Grievances & Engrossing Bills during the present session; that the Treasurer pay him the same and be allowed in the settlement of his public accounts.

Sent for concurrence.

Received from the House of Commons a Resolution of that body requesting the Speakers of the two Houses to present the thanks of the General Assembly to the Honorable Major General Howe, for the early and distinguished part he took in the late Revolution &

for his long and faithful services to the United States during the late War; which being read, was unanimously concurred with and returned.

The Account of the public Treasurer against the State for sundries amounting to eighty-seven pounds thirteen shillings, was read, allowed and sent to the House of Commons.

Whereas, it hath been recommended to the present General Assembly to direct the different naval officers in this State to keep a State of all monies received in virute of their office and lay the same before the next General Assembly.

Resolved therefore, That the different Naval Officers of the several Ports in this State be and they are hereby directed and required to keep a State of all monies by them received in consequence of their office and lay the same before the next General Assembly.

Ordered that this Resolve be sent to the House of Commons for Concurrence.

Resolved, That Absalom Tatom be allowed the sum of five pounds for acting as Clerk to the Committee of Privileges and Elections; that the Treasurer pay him the same and be allowed.

Sent for concurrence.

Received from the House of Commons the Resolution of this House in favour of Mr. John Hunt. Endorsed, read and concurred with.

Received likewise the following Bills, vizt.:

The Bill for appointing Commissioners in the County of Rutherford, for building a Court House, Prison and Stocks in the said County, and for levying a tax for defraying the expence thereof;

The Bill to amend an Act for making provision for the poor;

The additional Bill to amend the several Acts for regulating the Town of Wilmington, and to regulate and restrain the conduct of slaves and others in the said town, and in the Towns of Washington, Edenton and Fayetteville;

The Bill to erect and establish an Academy in the County of Duplin;

The Bill to prevent persons from stopping or obstructing Ways leading to Houses of public worship;

The Bill to impower certain persons therein named to receive, sue for and recover all such Bequests, Donations, Benefactions and

other things as have heretofore been bequeathed, given or made by any person or persons whatsoever for the use of the Congregation or Society of the Presbyterian Communion at Wilmington;

The Bill to enable the Public Treasurer more effectually to recover public monies that are now due, or hereafter may become due;

The Bill to restore to Edward Bridgen, his Heirs and Assigns, all his property, real and personal, in this State; and,

The Bill to empower the Wardens of the Poor to call to Account all former Sheriffs, Clerks of County Courts and other persons, who have not accounted for taxes and fines by them received which are appropriated to, or intended for the support of the poor in the several Counties within this State. Severally endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

Whereas, it is very inconvenient and expensive for the Treasurer to transport the old State Dollar Bills paid into his office; therefore,

Resolved, That William McCawley, John Butler and Alexander Mebane, Esquires, be a Committee to receive the old State dollar Bills from the Treasurer and Destroy them, for which they shall give a receipt and make report thereof to the next General Assembly.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Received from the House of Commons a Resolve of that body exempting William Scott of Edgecombe County, from the payment of Poll taxes, which was read, concurred with and returned,

Received likewise the following message:

Mr. Speaker and Gentlemen:

We have received and considered of your Resolve respecting the appointment of certain gentlemen to punch through the Certificates, &c., in the hands of the Comptroller, with which we do not concur; but propose that the resolve herewith sent be adopted in lieu thereof. You will observe a blank for the name of one person in this Resolve, which we wish you to fill up.

The Resolve referred to being read and the blank filled with the name of Mr. James Coor, was concurred with and returned.

Received also a Resolve of the House of Commons directing that the last statement of the Accounts transmitted from the Board of

Treasury of the United States be printed with the Journals of this Assembly, which was read, concurred with and returned.

Received from the House of Commons the Report of the Committee to whom was referred the Memorial of Colonel Charles McDowell. Endorsed, read and concurred with; which being read, was concurred with and returned.

Received likewise the Report of the Committee to whom was referred the Memorial of Doctor Charles Pasteur. Endorsed, read and concurred with as to the first Claim, and the others ordered to be referred to the District Auditors, which being read, was concurred with in like manner and returned.

Recd. also the Resolve of this House in favour of certain Rioters of Fayetteville. Endorsed, read and concurred with.

Received from the House of Commons the Resolution of this House of the 27th Inst., relative to entries of Lands made in the Counties therein mentioned. Endorsed, read and concurred with.

Received likewise the Resolution of this House of the 13th Inst., directing the Treasurer to receive Army settlement Certificates as therein mentioned. Endorsed, read and concurred with.

Received also, the Report of the Committee in favour of Thomas Garrett, and the Report and Resolution in favour of William Orme. Respectively endorsed, read and concurred with.

On motion, Resolved, That Doctor Hugh Boyd be allowed the sum of two hundred pounds in part of his account against the public for services and medicines when acting as surgeon, and that his account be filed and lie for the further investigation of the next General Assembly; that the Treasurer pay the above mentioned sum for which this shall be his warrant.

Sent for concurrence.

On motion of Mr. Macon the House resolved as followeth, to-wit:

Whereas, it appears to this General Assembly that in the year 1780 Pinkithman Eaton (late a Major in the Continental Line of this State) was employed by Benjamin Hawkins, Esquire, Commercial Agent, to go twice to Richmond in Virginia to procure Arms for the use of this State and was entrusted with four thousand dollars for that purpose, which sum is yet unaccounted for, the said Eaton being now dead whose Heirs are likely to become sufferers thereby without the interposition of the General Assembly, Be it

therefore Resolved, That the Treasurer be directed to suspend the issuing a Writ against the Estate or Heirs of said Eaton until the next meeting of the General Assembly.

Sent for concurrence.

Resolved, That the Secretary of State be and he is hereby authorized and required to detain all warrants and grants for lands reserved for the Continental Officers & Soldiers that may appear to him to have been obtained by fraud, until the next session of the General Assembly.

Received from the House of Commons the Bill to amend and explain an act for opening the land office, and for adding a part of the officers and soldiers boundary to the County of Davidson. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read the second time, was laid over until the next session of Assembly.

Received likewise the Resolve in favour of Benjamin Leonard. Endorsed in the House of Commons, concurred with.

Received also the following, to-wit:

The Resolve relative to the House and Lott in Hillsborough commonly called the Blue House;

The account of the public Treasurer for sundry expenditures in office;

The Resolve relative to the accounts and lists of Warrants granted to the late and present Governor;

The Resolve in favour of Absalom Tatom; and

The Resolve for destroying the old State Dollar Bills in the hands of the Treasurer. Respectively endorsed in the House of Commons, concurred with.

Received from the House of Commons the following message:

Mr. Speaker and Genetlemen:

We have received and considered the resolve of your House in favour of Doctor Hugh Boyd, which we do not concur with, but propose that the one herewith sent you be adopted in lieu thereof.

The Resolve of the House of Commons alluded to in the foregoing message was read and concurred with.

Received likewise a Resolution of the House of Commons directing the Commissioners of confiscated property for the District of Hillsborough, relative to certain lands lying and being in the Coun-

ty of Granville claimed by George Laine Moore, William Jones and James Cash; which was read, concurred with and returned.

Received also, a Resolve for suspending a Judgment given on the forfeiture of a Recognizance in March Term, 1785, in the Superior Court of Morgan District against William Walker; which was read, concurred with and returned.

Received from the House of Commons the Bill to explain and amend an act directing the sale of confiscated property. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read, was passed the second time and ordered to be engrossed.

Received likewise the following Bills, to-wit:

The Bill to impower Commisioners to liquidate the accounts of the Officers and Soldiers of the Continental Line of this State and to revive the late Boards of Auditors for a limited time; and,

The Bill to secure and quiet in their possessions all such persons, their Heirs and assigns, who have purchased or may hereafter purchase lands and tenements, goods and chattels, which have been sold or may hereafter be sold by Commissioners of forfeited estates, legally appointed for that purpose. Respectively endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

Resolved, That Hardy Jones of Edgecombe County, be allowed the sum of eight pounds for going express with the Journal of the Senate for the last session of the Assembly, from the County aforesaid to the Town of New Bern and delivering the same to the public printer, which sum the Treasurer is required to pay him and for which this shall be his warrant.

Sent for concurrence.

Resolved, That Henry Purss be allowed the sum of thirty pounds in full of his account against the State for sundries furnished by him to several Committees of the General Assembly to this day, and that the Treasurer pay the same, for which he shall be allowed in the settlement of his public accounts.

Sent for concurrence.

Resolved, That Mr. Curtis Ivey be allowed the sum of eighty pounds for his services as Clerk to the Grand Committee and for

drawing and engrossing a number of Bills during the present session, which sum the Treasurer is required to pay him and for which this shall be his warrant.

Ordered that this Resolve be sent to the House of Commons for concurrence.

Resolved, That Joshua Winston be allowed the sum of twenty pounds for his services in acting as Clerk to several Committees, Engrossing Bills, &c., that the Treasurer pay him the same and be allowed.

Sent for concurrence.

Mr. Macon moved for leave and delivered in the following protest against the passing of the Bill for emitting one hundred thousand pounds paper currency, &c., to-wit:

On the third and last reading of an Act for emitting one hundred thousand pounds paper currency, being carried in the affirmative We, the subscribing members, enter this our protest:

Dissentient,

Because, we conceive the Emission of a Paper Current money at best to be founded in mistaken policy, and more especially when there does not exist in our opinion, the most remote necessity for such an expedient.

First—Because, a Depreciation, being an inevitable consequence, will supply the dishonest debtor with an opportunity to impose on the impartial Creditor a mere nominal payment for a real and valuable consideration.

Secondly—Because, it will unavoidably subject the defenceless and unwary orphan to the melancholy loss of receiving a handsome patrimony in an insignificant something.

Thirdly—Because, an experiment heretofore lately made of one hundred thousand pounds, has convinced us that all paper money has a manifest tendency to operate against commerce, not being answerable to the purpose of foreign remittance.

Fourthly—Because, it is undeniably notorious that Virginia and South Carolina have been infinitely benefitted by the erroneous policy of a paper medium in this State, and that our mercantile and other citizens have suffered inconceivably by having suits commenced against themselves or factors in other States by the citizens of this

State for the express design of evading a paper payment, which game has been often played with various success.

And Fifthly—Because the only plausible pretence for the increase of such a political evil as a paper currency is evidently impracticable; the Commissioners being restricted to the price of fifty shillings per hundred for tobacco, which is to be applied to a purpose which alone could have induced an impartial advocate for so mischievous and ruinous a policy.

J. Macon, Mich. Payne, Henry Lightfoot, Isaac Gregory, Elisha Battle, Ben McCulloch, John Warrington and Joseph Riddick.

Adjourned till to-morrow morning 7 o'clock.

THURSDAY, 29 December, 1785.

The House met.

Received from the House of Commons the following Bills, to-wit:

The Bill to amend the acts passed for purchasing a Lott or Lotts in the Town of Wilmington for the purpose of building a Jail for the District of Wilmington and for repairing the Court House of the said District;

The Bill for establishing a Militia in this State;

The Bill to empower the Freeholders and Freemen of the Counties of Washington, Sullivan and Greene to return their Representatives otherwise than is hitherto directed;

The Bill to release certain persons therein mentioned, from Judgments on Forfeited Recognizances, and to empower the Judges to suspend Judgments hereafter to be given in like cases;

The Bill to prevent the sale of such of the lands of Ralph McNair, decd., as remain unsold in this State, and to empower Edward Hall, of Edgecombe County, Executor of the last Will and Testament of the said Ralph, to collect the debts due from the Inhabitants of this State to the said Ralph, which have become due to him since the passing of the Law commonly called the Expulsion Act; and,

The Bill for destroying Wolves, Panthers, Bears, Wild Cats, Crows and Squirrels, in the several Counties therein mentioned. Severally endorsed, read the third time and passed.

Ordered that these Bills be read, which being read, were passed the third and last time by this House.

Received likewise the Resolution of this House of yesterday,

directing the Secretary of the State to detain Warrants and Grants for lands as therein mentioned until the next General Assembly. Endorsed, read and concurred with.

Received also, a Resolution of the House of Commons in favour of Henry Purss, proposed to be adopted instead of the one on that head yesterday entered into by this House; which being read, was concurred with and returned.

Whereas, it appears to the General Assembly that many frauds have been and are likely to be committed, by altering the location of lands in consequence of late Entries on all or part of lands previously located, to the Great Injury of prior Entries which have not been as yet surveyed; to prevent which abuses as much as possible,

Resolved, That the Secretary do not issue any grants for lands lying on the West side of the Cumberland Mountains until the next General Assembly shall take further measures thereon, (lands lying within the Bounds laid off for the Officers and Soldiers of the Continental Line excepted).

Ordered that this Resolve be sent to the House of Commons for concurrence.

Resolved, as the opinion of this General Assembly, That for the future no clerk shall be employed to conduct business in any Committee, or otherwise, out of Doors, until he shall be first approved of by the General Assembly.

Sent for concurrence.

Received from the House of Commons a Resolve of that body allowing Mr. Curtis Ivey Sixty pounds, instead of the sum voted him by this House; which being read, was rejected. Whereupon, it was Resolved, That Mr. Ivey be allowed the sum of seventy pounds; this Resolution being sent for concurrence produced the following Message, vizt.:

Mr. Speaker and Gentlemen:

We cannot agree to allow Mr. Ivey more than sixty pounds and hope you will reconsider the resolve of this House allowing him that sum and concur with it.

This Message being read it was agreed that the Resolution of the House of Commons alluded to should be reconsidered, which being

accordingly done, the said Resolution was concurred with and returned.

Received from the House of Commons the Resolution of this House of yesterday in favour of Hardy Jones. Endorsed, read and concurred with.

Received likewise the Resolve directing the Secretary of the State not to issue Grants for lands lying West of the Cumberland Mountains. Endorsed, read and concurred with.

Received also, the Resolution of this House in favour of the Heirs of Pinkethman Eaton, decd. Endorsed, read and concurred with.

Received from the House of Commons the following message:

Mr. Speaker and Gentlemen:

We will agree that James Logan, Shadrach Logan and Robert Erwin be added to the Committee of the Peace for Rutherford County, but cannot agree that the others be commissioned as by you proposed.

Received likewise, the Resolve of this House directing the manner of appointing Clerks of Committees in future. Endorsed, read and concurred with.

Received also, the Resolution of the House of Commons allowing Anderson Hunt ten pounds for services in acting as Clerk to Committees, drawing and Engrossing Bills, &c., which was read, concurred with and returned.

Received from the House of Commons a Resolution of that Body directing that final settlement certificates issued by John Pearce, Esq., Auditors Certificates, &c., shall be taken in payment for confiscated property hereafter to be sold; which being read, was concurred with and returned.

Received likewise the following message:

Mr. Speaker and Gentlemen:

This House cannot agree to allow John Lockhart more than twenty pounds, Joshua Winslow fifteen pounds; if you will make the Resolves in their favour conformable we will concur.

This proposition being read the Resolves alluded to were entered accordingly and sent to the House of Commons.

Received also, a resolution of the House of Commons allowing

Absalom Tatom fifteen pounds for drawing and Engrossing Bills; which was read, concurred with and returned.

Received from the House of Commons a Résolution of that body relative to the mode by which the Commissioners of confiscated property shall be paid their commissions, and containing likewise Instructions to the Treasurer as to the manner of his paying of such Drafts as the said Commissioners shall obtain on the Treasury. Which being read, was concurred with and returned.

Received likewise, the Resolve of the House of Commons allowing James Malloy, as therein mentioned, for Benches, &c.; which was read concurred with and returned.

Received also, a Resolution of the House of Commons empowering William Good to take possession of the palace in New Bern, &c.; which was read, concurred with and returned.

Received from the House of Commons the following, to-wit:

The General Assembly being desirous on all occasions to signify their approbation of the conduct of public officers, who have discharged their trust with Reputation, take this earliest opportunity of testifying their acknowledgments to the Honourable Alexander Martin, Esquire, late Governor of this State, for the Honour and that general satisfaction with which he discharged the duties of that high and important Trust.

The above being read, was unanimously concurred with and returned to the House of Commons.

Received likewise, a Resolution of the House of Commons of this day allowing Mr. Bazel Smith, as therein mentioned, for Fire Wood, &c., furnished this Assembly; which was read; concurred with and returned.

Received also, the Resolve of this House in favour of John Lockhart and Joshua Winslow. Endorsed, read and concurred with.

Mr. Macon, in behalf of himself and others, delivered in the following protest against the passing of the Resolution of this day, allowing Auditors, Comptrollers and County Commissioners Certificates to be received in payment of confiscated property, to-wit:

Dissentient:

Because, the Emission of one hundred thousand pounds was emitted in the year 1783 and funded only on the confiscated property.

And because, in some one or more of the Districts in this State

the Commissioners have proceeded to sale, when Auditors, Comptrollers and County Commissioners Certificates were not received, which, in passing the resolve at this time in our opinion, is a partial one and ought not to be made. John Macon, Anthony Bledsoe, John Armstrong, Ambrose Ramsey.

Pursuant to the vote of the General Assembly the Honourable the Speakers of the two Houses caused General Howe to be presented with the following, to-wit:

To the Honourable Robert Howe, Esquire, late Major General in the Army of the United States of America:

SIR:

In pursuance of a Resolution of the Honourable the General Assembly of this State, which we do ourselves the honor to enclose you, be pleased to accept, through us, the Thanks of the Legislature, for the early and distinguished part you have taken in the late Revolution and for your long and faithful services to the United States in the late War. Be assured Sir, we feel a particular pleasure in the part assigned us in communicating to you this public testimonial of the approbation and gratitude of your Country.

We have the honour to be Sir,

Your most obedient humble servants,

ALEX. MARTIN, S. Sen.,

RICHARD DOBBS SPAIGHT, S. C.

In answer to which General Howe caused the following to be delivered to the Honourable the Speakers of the General Assembly, vizt.:

HONOURABLE GENTLEMEN:

The Felicity I feel on reflecting that I have faithfully endeavoured to do my duty is greatly increased by the Honourable testimony transmitted to me, that my conduct has been thought worthy of the notice and has obtained the approbation of those honourable bodies in which you Gentlemen preside. Ever happy in serving my Country, and ever emulous of its applause, I cannot but rejoice at receiving this very pleasing confirmation that my efforts have not been wholly unsuccessful; devoted to the Common weal, I glory in the consciousness that duty with me ever did and ever shall precede all other considerations however interesting, endearing or

heart-felt; but did my zeal in the service of America require a stimulus, or could possibly admit of addition, the high honors done me this day would most certainly effect it; permit me, Gentlemen, to request that you convey for me to the Legislature the high sense I have and the grateful remembrance I shall retain, of the marks of distinction shown me by my particular Country; and enhance the obligation by accepting my thanks for the manner in which you have been pleased to communicate the very favourable sentiments they entertain of my services.

I have the honor to be,

With great respect and esteem Gentlemen,

Your Humble Seryant,

ROBERT HOWE.

New Bern, 29th December, 1785.

The Business of the Session being about to be closed, the several Bills passed by a final reading in each House were now called for and ratified, which being done the House resolved as followeth, to-wit:

Resolved, That the thanks of this House be given to the Honourable Alexander Martin, Esquire, Speaker thereof, for his indefatigable assiduity to public business, and that polite attention which gave general satisfaction.

The estimates of allowance being now agreed on by the two Houses, On motion, the House adjourned without day.

ALEXANDER MARTIN, S. S.

By order,

J. HAYWOOD, Clk. Sen.

HOUSE JOURNAL---1787.

STATE OF NORTH CAROLINA,

IN THE HOUSE OF COMMONS.

At a General Assembly begun and held at Tarborough on the Nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty seven, and of the Sovereignty and Independence of the United States of America, the twelfth, being the first session of the said Assembly.

The returning officers for the several Counties certified that the following persons were duly elected Members of the General Assembly to represent the same in this House. Vizt.:

For Anson County, Lewis Lanier & William Wood.

Beaufort,

Bertie, Andrew Oliver & William Horn.

Brunswick,

Bladen,

Burke,

Craven, Richard Nixon & Richard Dobbs Spaight.

Cumberland, William Berry Grave.

Carteret,

Currituck, Joseph Ferebee & John Humphries.

Chowan, Josiah Copeland & Lemuel Creecy.

Camden, Peter Dauge & Enoch Sawyer.

Caswell, Adams Sanders & Robert Dickins.

Chatham, James Anderson & Joseph Stewart.

Dobbs, Bryan Whitfield & William Sheppard.

Duplin, Joseph Dickson & Joseph T. Rhodes.

*Davidson, Robert Ewing.

Edgecombe, Robert Diggs & John Dolvin.

Franklin, Thomas Sherrod & Jordan Hill.

Guilford, Barzillai Gardner & William Gowdy.

Gates, William Baker & John Baker.

Granville,

*Greene, David Campbell.

Halifax, John Dawson & John Branch.

*Hawkins,

Hertford, Robert Montgomery.

Hyde, John Eborn & Southy Rew.

*Now in Tennessee.—Ed.

Johnston, Everett Pierce & William Bridges.
Jones,
Lincoln,
Moore, Thomas Tyson.
Martin, Edward Smithwick & Joseph Bryan.
Mecklenburg, William Polk & Caleb Phifer.
Montgomery, Thomas Childs & William Kindall.
Nash, Micajah Thomas & John Bond.
Northampton, Robert Peebles & James Vaughan.
New Hanover.
Onslow, Daniel Yates & Edward Starkey.
Orange, Alexander Mebane & Jonathan Lindley.
Pasquotank, Caleb Koen & Edward Everagin.
Perquimans, Thomas Harvey.
Pitt, Reading Blount & Robert Williams.
Robeson,
Rutherford,
Rowan, Thomas Carson.
Randolph, John Stanfield & Edmund Waddell.
Richmond,
Rockingham, William Bethel.
Surry,
*Summer,
*Sullivan, George Maxwell & John Scott.
Sampson, David Dodd & Lewis Holmes.
Tyrrell, Simon Spruill & Benjamin Spruill.
*Washington, Robert Allison.
Wayne, William Taylor & Richard McKinne.
Wake, Nathaniel Jones & Britain Sanders.
Wilkes, Jesse Franklin & John Brown.
Warren,
Town of Salisbury, John Steele.
Town of Hillsborough, John Taylor.
Town of Halifax,
Town of Edenton, Stephen Cabarrus.
Town of New Bern, John Sitgreaves.
Town of Wilmington, Joshua Potts.

*Now in Tennessee.—Ed.

Pursuant to which the following members appeared, were qualified by taking the oaths by law appointed for the qualification of Members of the General Assembly, and took their seats, viz.:

William B. Grove,	David Dodd,
Josiah Copeland,	Lewis Holmes,
Enoch Sawyer,	William Baker,
Richard Nixon,	Robert Montgomery,
William Wood,	John Eborn,
Peter Dauge,	Everitt Pierce,
Lemuel Creecy,	William Bridges,
William Horn,	Edward Smithwick,
Lewis Lanier,	Joseph Bryan,
Andrew Oliver,	William Polk,
Joseph Ferebee,	Caleb Phifer,
Robert Dickins,	John Taylor,
James Anderson,	Stephen Cabarrus,
Joseph Stewart,	Joshua Potts,
William Sheppard,	David Campbell,
Joseph T. Rhodes,	Robert Ewing,
Thomas Sherrod,	Barzillai Gardner,
William Gowdy,	Jonathan Lindley,
William Kindall,	Simon Spruill,
Micajah Thomas,	Robert Allison,
John Bond,	William Taylor,
Robert Peebles,	Nathaniel Jones,
Daniel Yates,	Britain Sanders,
Alexander Mebane,	Jesse Franklin,
Edward Everagin,	John Brown,
Thomas Harvey,	John Steele,
Reading Blount,	John Sitgreaves,
Robert Williams,	Robert Diggs,
Thomas Carson,	John Dolvin,
John Stanfield,	Benjamin Spruill,
William Bethel,	Jordan Hill,
Edward Waddell,	John Dawson,
George Maxwell,	Thomas Tyson,
John Scott,	James Vaughan,

Mr. Cabarrus proposed for Speaker John Sitgreaves, Esq., who

On motion of Mr. Polk, Seconded by Mr. Cabarrus, Resolved, That this House will proceed to elect a Clerk by ballot, that Mr. Polk & Mr. Franklin superintend such balloting and make report.

Mr. Polk from the balloting for a Clerk of this House, reported that John Hunt was elected Clerk. The House taking this report into consideration concurred therewith and resolved, that John Haywood be appointed Assistant Clerk.

On motion, Resolved, That James Mulloy & Peter Gooding be appointed Door Keepers during this Session.

Received from the Senate the following message:

Mr. Speaker and Gentlemen:

The Senate are now formed and ready to proceed on the public business.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This House are also formed & ready to proceed on the business of the public.

On motion of Mr. Polk, seconded by Mr. John Taylor, Resolved, That a Committee of Privileges & Elections be appointed which shall consist of seven members. Resolved, That Mr. Polk, Mr. Cabarrus, Mr. Baker, Mr. Harvey, Mr. Mebane, Mr. Steele and Mr. Phifer be appointed a Committee of Privileges & Elections.

Received from the Senate the following message:

Mr. Speaker and Gentlemen:

We propose that the message which accompanies this be presented to his Excellency the Governor; should it meet your approbation Mr. Skinner and Mr. Overton will on the part of this House attend and present him with the same.

At the same time received the message addressed to His Excellency the Governor, which being read was agreed to & Mr. Polk & Mr. Cabarrus appointed to attend & present him with the same.

Received from the Senate the following Messages:

Mr. Speaker and Gentlemen:

General Ramsey, Mr. Macon & Mr. Irwin will, on the part of this House, act with such Gentlemen as you may think proper to appoint as a Committee of Claims.

Mr. Speaker and Gentlemen :

We propose that a joint committee of both Houses be appointed to consider of and report as soon as possible what bills of a public & general nature are necessary to be passed into Laws by the present Assembly. We have appointed on our part for this purpose General Jones, Mr. Coor, Mr. Johnston, Mr. Person, Mr. Kenan, Mr. Erwin, Mr. Lenoir & Mr. Bledsoe.

Mr. Speaker and Gentlemen :

We have appointed on the part of this House, as a Committee of Propositions & Grievances, Mr. Johnston, Mr. Clinton & General Kenan, who will act in conjunction with such Gentlemen of your body as may be made choice of for this purpose.

Mr. Speaker and Gentlemen :

We propose that the two Houses ballot at four o'clock this afternoon for three Engrossing & Committee Clerks. We nominate for these appointments, Mr. Curtis Ivey, Mr. Pleasant Henderson, Mr. Dempsey Battle, Mr. John Bryan, Mr. John Dixon, Mr. David Allison, Mr. Abishai Thomas and Mr. William White; we also propose that the three gentlemen who, on casting up the poll, shall appear to have the greatest number of votes be declared elected. We likewise propose by way of expediting the business, that the Superintendents wait on each House separately in order to receive the tickets. Should these propositions meet your approbation Mr. Overton and Mr. Winston will, on the part of this House, superintend the balloting.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen :

This House agree to ballot for three Engrossing & Committee Clerks as by you proposed.

Ordered that the following message be sent to the Senate :

Mr. Speaker and Gentlemen :

We propose that a Committee on Finance be appointed by the two Houses to examine and report the State and nett produce of the revenues of the last collection, and the present amount and nature of our public debts, who shall extend their inquiries into the State of the Treasury; that they be authorized to call on all officers concerned in receiving, appropriating and accounting for the pub-

lic monies, or other persons and papers they may deem necessary to such investigation, that they report from time to time, and as soon as possible, on such matters concerning the public monies and revenues as may stand in need of immediate amendment or alteration, and also make up an estimate of the expences of the foreign and incidental charges of the ensuing year. We have for this purpose on our parts appointed Mr. Franklin, Mr. Steele, Mr. Dickson, Mr. Montgomery and Mr. Blount.

We have appointed on the part of the Commons, Mr. B. Sanders, Mr. Dickins, Mr. Anderson, Mr. J. Taylor & Mr. Dodd, a Committee of Claims.

Your proposal for appointing a Committee to consider of such Bills of a public nature as are necessary to be passed into Laws at the present Session, we have received and acceded to, as also another for appointing a Committee of Propositions and Grievances; for the first we have nominated Mr. Phifer, Mr. Baker, Mr. Cabarrus, Mr. Polk, Mr. Gowdy, Mr. Steele, Mr. Mebane, Mr. Horn, Mr. Harvey & Mr. Potts; for the latter Mr. Thomas, Mr. Creecy, Mr. Ferebee, Mr. Smithwick & Mr. Montgomery.

The House adjourned till 4 o'clock, P. M.

Met according to adjournment.

Mr. Nathaniel Henderson & Mr. William Marshall, the Members from Hawkins County, appeared, were qualified & took their seats.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We agree that a Committee of Finance be appointed for the several purposes and with like powers as by you expressed. We have appointed for this purpose on our part, Mr. Allen Jones, Mr. Skinner, Mr. Person, Mr. Coor, Mr. Clinton, Mr. Winston, Mr. Macon and Mr. Bledsoe, who will act in conjunction with the Gentlemen by you appointed.

Received from the Senate a Resolution of that House appointing the reverend Samuel McDougall Chaplain, which being read, was rejected.

Ordered that the following Message be sent to the Senate

Mr. Speaker and Gentlemen:

We have added to the Committee on Finance the following Members, to-wit: Mr. Cabarrus, Mr. Henderson, Mr. Potts, Mr. Polk, Mr. Campbell, Mr. N. Jones, Mr. Brown, Mr. Mebane, Mr. Grove & Mr. Everagin.

Mr. John Baker one of the members for Gates County, and Mr. Wyatt Hawkins one of the Members for Warren County appeared, were qualified and took their seats.

Mr. Franklin, from the joint balloting for three Engrossing and Committee Clerks, reported that Mr. Curtis Ivey, Mr. Pleasant Henderson and Mr. Abishai Thomas were elected by a Majority of the votes of both Houses of the General Assembly, & the House taking this Report into consideration concurred therewith.

Resolved, That the following rules of reading & passing Bills into Laws be observed during the present Session, to-wit: Every Bill on its first introduction shall be read for information, and be noted for reading at some day prefixed, when it shall be read on the motion of a member for passage the first time, debated on and amended, and if passed be sent to the other House. Every Bill when returned by the one House to the other shall be notified to the receiving House by the Speaker, and afterwards be read, also at the motion of a Member on a day prefixed, the Second time for passage, when it may be again debated on and amended, and when read and passed the second time in both Houses shall be Engrossed and read the third time for passage, the same form being observed, when it shall be subject to no amendment but shall be either passed into a Law or rejected.

Whenever either House shall have rejected a Bill, sent to them by the other, the rejection shall be immediately signified to the House so sending.

Resolved, That the following rules of decorum be observed during the sitting of this House.

1st. That no person shall pass between the Speaker and the person then speaking.

2nd. That no member shall be allowed to speak but in his place, and after rising and addressing himself to the Speaker shall not proceed until permitted by the Speaker's calling him by name.

3rd. That no person shall stand up or disturb another while he is speaking.

4th. That no member shall come into the House or remove from one place to another with his hat on except those of the Quaker Profession.

5th. That no member shall speak more than twice to one question upon any debate without leave, except in a Committee of the whole House.

6th. The Speaker ought to be heard without interruption, and when he rises the member up shall sit down.

7th. That no person shall be called on for any words of heat but on the day on which they were spoken.

8th. Whenever the members are equally divided the Speaker shall determine the question but not vote upon any other occasion.

9th. That no member shall depart the service of the House without leave.

10th. That the House shall not proceed to debate on any motion unless the same is seconded and immediately reduced to writing, provided any member requires the same.

11th. When two or more members are up together the Speaker shall determine who rose first.

12th. Whoever violates any of the above rules shall receive such censure as the House shall direct.

13th. Whenever the House shall be divided on a question two tellers shall be appointed to number the members on each side.

The House adjourns until to-morrow morning 10 o'clock.

TUESDAY, 20 Nov., 1787.

The House met according to adjournment.

Mr. Thomas Wynns one of the members for Hertford County, and Mr. John Brown one of the members for Bladen County appeared, were qualified and took their seats.

Mr. Henry Smaw one of the members for Beaufort County, Mr. Nathan Fuller one of the members for Carteret County, & Mr. Philemon Hawkins one of the members for Warren County, appeared, were qualified and took their seats.

Ordered that Mr. P. Hawkins be appointed to the Committee on Finance and the Committee appointed to consider of such bills of

a public nature as are necessary to be passed into Laws this Session.

Ordered that following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We have added Mr. P. Hawkins to the Committee on Finance & to the Committee for considering of public bills.

Mr. Steele presented the resignation of David Crawford a Justice of the Peace for Rowan County, which being read was accepted.

Ordered that Mr. P. Hawkins be added to the Committee of Privileges & elections.

Mr. Stewart presented the Petition of William Parham, praying, &c., which being read was referred to the Committee of Propositions & Grievances.

Mr. Rhodes presented the Petition of Hugh McDonald of Fayetteville, praying, &c., which being read was rejected.

Ordered that Mr. Sawyer be added to the Committee of Propositions and Grievances.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We have added Mr. Sawyer to the Committee of Propositions & Grievances.

Mr. Anderson presented the Petition of Archibald Cain, which being read was referred to the Committee of Propositions & Grievances.

Mr. Potts presented the Memorial of Edward Bridgen, Esq., of the City of London, Merchant, which being read was referred to the Committee of Propositions & Grievances.

The House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, 21 Nov., 1787.

The House met according to adjournment.

Mr. Thornton Yancey one of the members for Granville County, Mr. James Thackston one of the members for Cumberland County, Mr. Thomas Devane, Jun., one of the members for New Hanover County, Mr. Robert Hayes one of the members for Davidson County, Mr. Joseph McDowall and Mr. Joseph McDowall, Jun., the members for Burke County, & Mr. Richard McKinne one of the members for Wayne County, appeared, were qualified & took their seats.

Received from the Senate the Petition of William Parham, the Petition of Archibald Cain, & the Petition of Edward Bridgen. Severally endorsed, in Senate read & referred as by the House of Commons.

Received from the Senate the Petition of John Dickey and William Sharpe, and the Petition of Mary Richards. Endorsed, read and referred to the Committee of Propositions & Grievances; which being read, were referred by this House to the same Committee.

Received from the Senate the Petition of William Good. Endorsed, read and referred to Mr. Person, Mr. Macon & Mr. Coor; which being read, was referred to Mr. Nixon, Mr. McDowall, Mr. Polk & Mr. Goudy on the part of this House.

Received also, the resignation of David Crawford a Justice of the Peace for Rowan County. Endorsed, read & accepted.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

The Resolution of your House prescribing the method by which the two Houses shall be governed in reading and passing Bills at the present Session, we have received, but do not concur therewith. We therefore propose that they be confined to no particular or other method than that which has heretofore governed them in this business.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

On receipt of your Message in answer to the Resolutions we sent to the Senate, relative to the mode of passing Bills into Laws at the present Session, we are at a loss to know what plan you mean to follow, therefore wish you to give us information whether you mean to adopt the rules of the last Assembly on that head or to observe the rules observed by the preceding Assembly.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly of the State of North Carolina:

GENTLEMEN:

Agreeably to your message of yesterday I lay before you such of

the dispatches and other public papers as appear to me to be of importance and require your immediate consideration as have come to my hands since the close of the last Session. In a file endorsed *Dispatches from Congress*, will be found not only sundry Resolutions of that Honorable body, but also Letters from the Delegates of this State and from the Board of War, and other papers on the subject of the sales of our public Tobacco, and of sundry Hogsheads of Deerskins shipped from Georgia on account of the sales of Goods originally intended as presents to the Indians.

In another file endorsed *Papers respecting the Federal Convention*, are contained a resolution of Congress recommending such Convention the report and the resolution of the Convention with a Letter to Congress and a Resolve of Congress for transmitting the same to the several Legislatures in order to be submitted to a Convention of Delegates chosen in each State by the people in conformity to the Resolves of the said Convention, together with a Letter from the Deputies for this State in the said Convention. And here it may be proper to inform you that Willie Jones, Esq., who was appointed one of the Deputies to attend the said Federal Convention in behalf of this State, declined going on that service, and as I had the honor of being also named one of the Deputies, and from my bad state of health about the time appointed for the meeting of the Convention it was impracticable for me to attend, it therefore became my duty to nominate others to supply the places of Mr. Jones and myself; accordingly Dr. Williamson and Mr. William Blount were appointed. Soon after the last Assembly I applied to the Delegates in Congress to procure the Muster Rolls of the late Continental line of this State, or authenticated copies of them, and transmit them to me for the use of the Commissioners appointed by the last Assembly to re-examine the Army amounts which had passed the former Board, but not receiving a satisfactory answer in July last I repeated my application without being able to effect the purpose of it, for reasons assigned in Col. Ashe's letter of the 10th of August, to which I beg leave to refer you.

You will also be pleased to receive a File of papers containing information respecting Indian affairs, another file relating to the Troops raised for the defence of Davidson County, together with

a correspondence between General Shelby and myself regarding the people inhabiting the Counties of Washington, Sullivan, Greene and Hawkins, which I apprehend it is proper you should be acquainted with.

RD. CASWELL.

Tarborough, November 20th, 1787.

Ordered that the foregoing message, together with the several dispatches from Congress & other papers therein referred to, be referred to the Committee appointed to consider of and report such bills of a public nature as are necessary to be passed into Laws this Session.

Ordered that the following message be sent to the Senate:

Mr. Speaker & Gentlemen:

We herewith transmit you a message this day received from His Excellency the Governor, together with sundry dispatches from Congress and other papers therein referred to, which we propose submitting to the consideration of the Committee appointed to report what Bills of a public nature are necessary to be passed into Laws at the present Session.

Mr. P. Hawkins presented the Memorial of the Hon. Samuel Ashe, esq., the surviving Executor named in the last Will and Testament of the late Major General John Ashe deceased, which being read was referred on the part of this House to Mr. McDowall, Mr. Mebane, Mr. Hawkins & Mr. J. Baker, and sent to the Senate.

Mr. John Humphries one of the members for Currituck County, and Mr. Caleb Koen one of the members for Pasquotank County, appeared, were qualified & took their seats.

Mr. Steele presented the Memorial of James Kerr, late Commissioner of Specific Supplies for Rowan County, &c., which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Received from the Senate a Certificate of the Clerk of the Superior Court of Wilmington District, purporting the Claim of Richard Feargin. Endorsed, read & referred to the Committee of Claims, which being read was referred as by the Senate and returned.

Mr. Steele presented the Deposition of Samuel Young, which

being read was referred to the Committee of Claims & sent to the Senate.

Mr. Blount presented the Petition of sundry of the Inhabitants of the town of Wilmington, complaining that the late Election for a member to represent the said town in this House was illegal and contrary to Law, and praying relief; which being read was referred to the Committee of Privileges & Elections.

Mr. Steele presented the Memorial of a number of the inhabitants of Rowan County, who became purchasers of Confiscated Lands in the year 1782, and setting forth the extreme hardship they will labour under in paying up the purchase money in cash and praying relief; which being read was referred to the Committee of Propositions & Grievances & sent to the Senate.

Mr. Potts presented the Petition of the militia in the town of Wilmington, setting forth the inconveniences of attending musters at Beauford's Bridge and praying relief; which being read was referred to the Committee of Propositions & Grievances.

Received from the Senate the Petition of James Garret and Mary his wife, and the Petition of a number of the inhabitants of Chowan County in favour of Thomas Garret; which being read was rejected.

Received from the Senate the following Bills, viz:

A Bill directing the appointment of Wardens of the poor for the County of Perquimans.

A Bill for making process in Equity effectual against persons who abscond and who reside without the limits of the State, and for better regulating the proceedings in Courts of Equity.

A Bill for granting and securing to John Fitch the sole right and advantage of making and employing the Steam Boat, by him lately invented, for a limited time.

A Bill to compel the attendance of all such persons as may be elected to represent any County or Town in the General Assembly of this State at such time and place as may be appointed.

A Bill to repeal two acts of the General Assembly of this State, one passed in New Bern in 1784, entitled "an Act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described," the other passed at New Bern in the year 1785, entitled "an Act to amend an Act passed at New Bern in the year 1784, entitled an act

to amend an act entitled an act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described."

A Bill to repeal an act passed in 1786, entitled "an additional Act to an act entitled an act for the regulation of the Town of New Bern and for other purposes."

A Bill authorizing and requiring the County Courts of Pleas & Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the Claimants are under age.

A Bill to amend an act entitled "an Act to remove all disabilities from Simon Cleary and others therein named." Severally endorsed, in Senate, read the first time and passed.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We have added Mr. Clinton to the Committee of Claims.

The Bill for granting and securing to John Fitch the sole right and advantage of making and employing the Steam Boat, by him lately invented, for a limited time, was read the first time, passed & sent to the Senate.

The Bill to repeal an act passed in 1786, entitled "an additional act to an act entitled an act for the regulation of the town of New Bern, and for other purposes," was read the first time, passed & sent to the Senate.

Received from the Senate the Memorial of sundry inhabitants of Rowan County. Endorsed, in Senate read and referred as by the House of Commons.

Mr. Cabarrus moved for leave and presented a Bill for the better regulation of the town of Edenton, which was read the first time, passed & sent to the Senate.

The Bill authorizing and requiring the County Courts of Pleas & Quarter Sessions to divide and appropriate the real Estate of intestates, where one or more of the claimants are under age, was read the first time, passed & sent to the Senate.

Mr. Maxwell presented the Memorial of William Armstrong, which being read was referred to the Committee of Claims & sent to the Senate.

Ordered that Mr. Carson, Mr. Franklin, Mr. Nixon, Mr. Dauge, Mr. J. Baker, Mr. T. Sherrod, Mr. Hays and Mr. Marshall be added

to the Committee of Claims, and Mr. Goudy and Mr. Wynn to the Committee of Propositions & Grievances.

Ordered that Mr. Dodd, Mr. Williams, Mr. Cabarrus, Mr. Thackston & Mr. McDowall, Jun., be a Committee on the part of this House to take under consideration Petitions, Memorials, &c.

Ordered that the following message be sent to the Senate:

Mr. Speaker & Gentlemen:

This House have added Mr. Carson, Mr. T. Franklin, Mr. Nixon, Mr. Dauge, Mr. J. Baker, Mr. T. Sherrod, Mr. Hays and Mr. Marshall to the Committee of Claims, and Mr. Goudy and Mr. Wynn to the Committee of Propositions & Grievances; and propose that a Committee to consist of members from each House be appointed to consider of and report on Petitions and Memorials, and have for this purpose appointed Mr. Dodd, Mr. Williams, Mr. Cabarrus, Mr. Thackston & Mr. J. McDowall, Jun., on their part.

Received from the Senate the following Resolution for Concurrence, viz:

Resolved, That the following rules of reading and passing Bills into Laws be observed during the present session.

All Bills introduced in either House shall be subject to amendment on the first, second and third reading; but after being passed three times in either House shall not be altered or amended, without the consent of the House where it first originated, and shall not be engrossed until after being three times read in each House.

The House taking these resolutions into consideration concurred therewith.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We propose that the General Assembly fix on Wednesday, the fifth day of December next, as a time on which they will enter on the important business of the Federal Constitution.

Ordered that the following message be sent to the Senate:

Mr. Speaker and Gentlemen:

We have received your message proposing a day for the consideration of the business of the late Federal Convention and do approve thereof.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose, in order to be properly ascertained of all the facts and circumstances set forth in the Memorial of Patrick Cleary, that the same together with all the testimonials therein referred to, be submitted to the examination of a Committee who shall make a report thereon as soon as possible. We have for this purpose on our part, appointed Mr. P. Hawkins, Mr. J. McDowall, Mr. Brown of Wilkes, Mr. Phifer, Mr. Mebane and Mr. Wynn.

The Bill directing the appointment of Wardens of the Poor for the County of Perquimans was read the first time, passed and sent to the Senate.

The Bill to compel the attendance of all such persons as may be elected to represent any County or Town in the General Assembly of this State at such time and place as may be appointed, was read the first time, passed and sent to the Senate.

The Bill to repeal two acts of the General Assembly of this State, one passed at New Bern in 1784, entitled "an Act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described;" the other passed at New Bern in the year 1785, entitled "an Act to amend an Act passed at New Bern in the year 1784, entitled an act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described," was read the first time, passed and sent to the Senate.

The House adjourned until to-morrow morning 10 o'clock.

THURSDAY, 22 November, 1787.

The House met according to adjournment.

Received from the Senate the Petitions of the Militia in the town of Wilmington. Endorsed, in Senate, read and referred as by the House of Commons.

Received from the Senate a Bill for the better regulation of the town of Edenton. Endorsed, in Senate, read the first time and passed.

Received also a Bill to repeal an act entitled "an additional Act to an act, entitled an act for the regulation of the town of New Bern,

and for other purposes." Endorsed in Senate, read the second time and passed.

The Bill for the better regulation of the town of Edenton was read the second time, amended, passed and sent to the Senate.

Mr. Timothy Bloodworth one of the members for New Hanover County, and Mr. Samuel Cain one of the members for Bladen County, appeared, were qualified and took their seats.

Received from the Senate the following Messages:

Mr. Speaker & Gentlemen:

We agree that the Message from His Excellency the Governor, together with the papers accompanying it, be referred as by you proposed.

Mr. Speaker & Gentlemen:

The Senate agree that the Memorial of Patrick Cleary, with the Testimonials therein referred to, be submitted to the consideration of a joint Committee; we have for this purpose appointed Mr. Person, Mr. Coor, Mr. Allen Jones and Mr. Hill.

Mr. Polk presented the Petition of a Committee of Mecklenburg County appointed by the inhabitants thereof to represent their grievances to the General Assembly, &c., which being read, was ordered to be sent to the Senate.

Ordered that Mr. Bloodworth be added to the Committee appointed to consider of such Bills of a public nature as are necessary to be passed into Laws this Session.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

With my address of the 20th Current I laid before you sundry papers relating to the sales of the Tobacco belonging to the State, purchased by the late Commissioners; I then omitted furnishing a State of the Tobacco delivered, upon a presumption of my receiving a further account of the delivery of the Tobacco, but that not coming to hand I think it necessary you should be informed of the true state of the transactions in respect to the same, for which purpose I lay before you the receipts of the agent of the purchasers and an account of the deficiency so far as I am able to state the same.

Mr. Haywood, I presume, will inform you why the delivery of the remainder of the Tobacco purchased at Tarborough is not made, and Col. Whitaker's letter accompanying this will account for the Tobacco on hand at Edenton.

RD. CASWELL.

Tarborough, 22nd November, 1787.

Mr. Polk presented the representation of John Haywood, Esq., late Commissioner for purchasing Tobacco at Tarborough, respecting the appropriation of a part thereof by Mr. Richard Blackledge, Merchant of Washington, and a delivery of the balance to the agent of Constable, Rueker & Co., Merchants of New York, which being read, together with sundry papers accompanying the same were together with His Excellency the Governor's Message, on that subject, referred to a joint Committee; the Members appointed on the part of this House for the purpose are, Mr. Polk, Mr. P. Hawkins, Mr. Cabarrus, Mr. Dickins, Mr. Mebane and Mr. McDowall.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We herewith submit you a message of this Day's date received from His Excellency the Governor, on the subject of the public Tobacco lately stored at Washington, together with the sundry papers accompanying it, also a representation from John Haywood, Esq., late purchaser of Tobacco on the same subject; those papers as they appear to us to deserve the earliest attention, we propose referring to a joint Committee and have on our part, appointed Mr. Polk, Mr. P. Hawkins, Mr. Cabarrus, Mr. Dickins, Mr. Mebane and Mr. McDowall.

Ordered that Mr. Bloodworth and Mr. J. McDowall be added to the Committee on Finance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have added Mr. Bloodworth to the Committee appointed to consider what Bills of a public nature are necessary to be passed into Laws this Session, and to the Committee on Finance we have added Mr. McDowall.

Received from the Senate the Memorial of William Armstrong.

Endorsed, In Senate read and referred as by the House of Commons:

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

The Senate do not agree with you in the appointment of a Committee of Petitions and Memorials, being of opinion this business comes properly before the Committee of Propositions & Grievances.

Received from the Senate the report of the Committee on the Memorial of the Hon. Samuel Ashe, Esq., surviving Executor of the last will and Testament of Major General John Ashe deceased. Endorsed, In Senate read and concurred with, which being read was concurred with by this House and returned.

Received from the Senate the Petition of Peter Goodwin. Endorsed, In Senate, read and referred to the Committee to whom was referred the Memorial of the Hon. Samuel Ashe, Esq., which being read was referred as by the Senate and returned.

Received from the Senate a Bill authorizing and requiring the County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age. Endorsed, In Senate, read the second time, amended and passed.

Mr. Stewart presented the Petition of William Queen late of Randolph County, praying, &c., which being read was referred to the Committee of Propositions and Grievances, and sent to the Senate.

Received from the Senate a Bill to ascertain the true courses of a Tract of Land on Neuse River in Craven County. Endorsed, In Senate, read the first time and passed.

Received also the report of the Committee to whom was referred the Petition of William Good. Endorsed, In Senate, read and concurred with, which being read was concurred with by this House and returned.

The Bill to ascertain the true courses of a Tract of Land on Neuse River in Craven County, was read the first time, passed and sent to the Senate.

Received from the Senate a Bill for granting and securing to John Fitch the sole right and advantage of constructing, making and vending the Steam Boat by him lately invented, for a limited time. Endorsed, In Senate, read the second time, amended and passed.

Ordered that this Bill be read the second time in this House, which was accordingly read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill for establishing a Town in the County of Hyde on the Lands of Joseph Gibbs. Endorsed, In Senate, read the first time and passed.

The Bill authorizing and requiring the County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age, was read the second time, amended, passed and sent to the Senate.

The Bill for establishing a Town in the County of Hyde on the Land of Joseph Gibbs, was read the first time, passed and sent to the Senate.

Mr. Maxwell presented the Petition of James Hamilton of Sullivan County, which being read was referred to the Committee of Propositions and Grievances and sent to the Senate.

Mr. Maxwell presented the Petition of John Shelby, praying, &c., which being read was referred to the Committee of Claims, and sent to the Senate.

Mr. Maxwell presented the Petition of Ruth Hawkins, praying, &c., which being read was referred to the Committee appointed to report what Bills of a public nature are necessary to be passed into Laws this session, and sent to the Senate.

Received from the Senate a Bill making process in Equity effectual against persons who abscond and who reside without the limits of the State, for better regulating the proceedings in Courts of Equity. Endorsed, In Senate, read the second time and passed.

Mr. Potts moved for leave and presented a Bill for the more easy recovery of rents and to prevent Tenants from committing frauds, which was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Thomas Harvey, which being read was rejected.

The House adjourned until tomorrow morning 10 o'clock.

FRIDAY, 23 November, 1787.

The House met according to adjournment.

Mr. Ferebee presented the resignation of James White, one of the Justices of the Peace for Currituck County, which being read was accepted by this House and sent to the Senate.

Ordered that Mr. Yates and Mr. Bridges have leave to absent themselves from the service of this House for a few days, and Mr. Sheppard until Monday next.

The Bill for making process in Equity effectual against persons who abscond and who reside without the limits of the State, and for better regulating the proceedings in Courts of Equity, was read the second time, passed and sent to the Senate.

Received the Petition of William Queen. Endorsed, In Senate, read and referred as by the House of Commons.

Mr. McDowall exhibited the presentment of the Grand Jury for the late Superior Court of Morgan District, presenting the particular Grievances under which the people of that District labour owing to only one of the Judges attending the Court of Morgan District, which being read was referred to the Committee appointed to report such bills of a public nature as are necessary to be passed into Laws this Session, and sent to the Senate.

Received from the Senate a Bill for the better regulation of the Town of Edenton, and

A Bill to compel the attendance of all such persons as may be elected to represent any County or Town in the General Assembly of this State, at such time and place as may be appointed. Endorsed, In Senate, read the second time and passed.

The Bill to repeal an Act passed in 1786, entitled "an additional Act to an Act, entitled an act for the regulation of the town of New Bern, and for other purposes," was read the second time, passed and sent to the Senate.

Received from the Senate the Petition of Jeremiah & Robert Field. Endorsed, In Senate, read and referred to the Committee on Judge Ashe's Memorial, which being read was referred as by the Senate and returned.

Received from the Senate a Bill to prevent frauds by the depreciation of paper Currency. Endorsed, In Senate, read the first time and passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

Your Message respecting the several papers therewith transmitted on the subject of the Tobacco lately purchased by the Commissioner, we have received, and as we are of opinion with you that some of

them particularly those relative to the Tobacco stored at Washington, deserve the earliest attention. We have appointed Mr. Coor, Mr. Skinner, Mr. Person, and Mr. Allen Jones, to act as a Committee with the Gentlemen by you appointed for the consideration of them.

The Bill for the better regulation of the Town of Edenton, was read the third time, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

It is the opinion of this House that the Petition of the Committee of Mecklenburg County be referred to that appointed at the present session for reporting what Bills are necessary to be passed into Laws.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We agree that the Petition of the Committee of Mecklenburg County be referred as by you proposed.

Received from the Senate a Bill to repeal part of an Act passed at Fayetteville, 1786, entitled, "an Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years, for the purpose of erecting or repairing the Court House, Prison and Stocks in each County when necessary, &c.," and a Bill for the more easy recovery of rents and to prevent tenants from committing frauds. Endorsed, In Senate, read the first time and passed.

Received also a Bill for establishing a Town in the County of Hyde on the Lands of Joseph Gibbs. Endorsed, read the second time, amended and passed.

Received from the Senate a Bill to repeal an act passed in 1786 entitled "an additional Act to an act, entitled an act for the regulation of the Town of New Bern, and for other purposes;" and a Bill to ascertain the true courses of a tract of Land on Neuse River in Craven County. Endorsed, In Senate, read the second time and passed.

Received also, a Bill for granting and securing to John Fitch the sole right and advantage of constructing, making and vending the Steam Boat by him lately invented, for a limited time. Endorsed, read the third time and passed.

Received from the Senate the Petition of John Johnston, Esq.,

of Bertie County. Endorsed, In Senate, read and referred to the Committee on Judge Ashe's Memorial, which being read was referred as by the Senate and returned.

The Bill to compel the attendance of all such persons as may be elected to represent any County or Town in the General Assembly of this State at such time and place as may be appointed, was read the second time, amended, passed and sent to the Senate.

The Bill to prevent frauds by the depreciation of Paper Currency, was read the first time, passed and sent to the Senate.

The Bill to repeal part of an act passed at Fayetteville, 1786, entitled "an Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years, for the purpose of erecting or repairing the Court House, Prison and Stocks in each County when necessary, and for defraying the contingent charges of the Counties, was read the first time, passed and sent to the Senate.

Mr. McKinne presented the Petition of John Beck, late entry officer of claims for Lands in Wayne County, praying, &c.; which being read was referred to the Committee of Propositions & Grievances.

Received from the Senate the Petition of the yearly meeting of the people called Quakers. Endorsed, In Senate, read and referred to the Committee appointed to report what bills of a public nature are necessary to be passed into Laws this Session; which being read was referred as by the Senate, and returned.

Mr. Eborn presented the resignation of Barridge Selby, Esq., one of the Justices of the Peace for Hyde County, which being read was accepted by this House and sent to the Senate.

Received from the Senate the resignation of Richard Warren, one of the Justices of the Peace for Johnston County. Endorsed, In Senate, read and accepted; which being read was accepted by this House and returned.

Ordered that Mr. McKinne be added to the Committee of Propositions and Grievances.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have added Mr. McKinne to the Committee of Propositions & Grievances.

Whereas, the Present Committee of Claims may entertain doubts with respect to the Examination of Claims which might have been exhibited to the boards of Auditors in the several Districts. Resolved, That all Claims against this State, whether of such nature as were proper for the boards of Auditors and which might have been exhibited to them, or whether they be of any other kind, provided they may appear to be just, shall be received and allowed by them.

The House adjourned until Monday morning 10 o'clock.

MONDAY, 26 November, 1787.

The House met according to adjournment.

Mr. Joseph Dixon one of the members for Duplin County, Mr. Richard Singleton and Mr. James Withrow the Members for Ruthford County, Mr. James Gains and Mr. Seth Coffin the Members for Surry County, Mr. William Picket one of the members for Richmond County, Mr. Elias Barnes one of the Members for Robeson County, and Mr. James Stewart one of the members for Washington County, appeared, were qualified and took their seats.

Mr. Campbell moved for leave and presented a Bill to establish order, security and efficacious Government in the Western parts of this State; which was read the first time, passed and sent to the Senate:

Received from the Senate the Memorial of the Field Officers of Davidson County. Endorsed, In Senate, read and referred to the Committee of Propositions and Grievances; which being read was ordered to be referred to a Special Committee consisting of five members of this House. The members chosen for this purpose are Mr. Campbell, Mr. Polk, Mr. J. Hill, Mr. Franklin and Mr. Ewing.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We propose that the representation of the Field Officers of Davidson County be referred to a special Committee, instead of the Committee of Claims as by you proposed, and have for this purpose on our part appointed Mr. Campbell, Mr. Polk, Mr. J. Hill, Mr. Franklin and Mr. Ewing a Committee.

The Bill for establishing a Town in the County of Hyde on the

Land of Joseph Gibbs, was read the second time, passed and sent to the Senate.

Mr. William Tatham one of the members for Robeson County, appeared, was qualified and took his seat.

Received from the Senate the presentment of the Grand Jury of Morgan District, and the Petition of John Beck. Endorsed, In Senate, read and referred as by the House of Commons.

Received also, the resignation of James White one of the Justices of Currituck County, and the resignation of Barridge Selby a Justice of Hyde County. Endorsed, In Senate, read and accepted.

Mr. Bloodworth presented the Petition of John Devane of New Hanover County, formerly Commissioner of the Gun Factory in the District of Wilmington, which being read was referred to the Committee of Claims, and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We propose that the Bill respecting the public buildings in the County of Randolph, together with the Petition herewith sent you on that head, be referred to the consideration of a joint Committee. We have appointed for this purpose on our part Mr. Ramsay, Mr. McCawley and Mr. Winston.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We agree that the Bill and the Petition therewith sent us, relative to the public buildings in the County of Randolph, be committed as by you proposed. We have on our part appointed Mr. P. Hawkins, Mr. T. Devane, Mr. Stewart and Mr. J. Taylor a Committee.

Received from the Senate the Memorial of Thomas Polk. Endorsed, In Senate, read and referred to the Committee of Propositions & Grievances; which being read was referred as by the Senate and returned.

Received from the Senate the Presentment of the Grand Jury of Salisbury District. Endorsed, In Senate, read and referred to the Committee of Propositions and Grievances; which being read, was referred as by the Senate and returned.

Received from the Senate the Report of the joint Committee appointed to consider and report what Bills of a public and general

nature are necessary to be passed into laws this present Assembly. Endorsed, In Senate, read and concurred with; which being read was concurred with by this House and returned.

Received from the Senate a Bill to charge the estate of Honore Jeroe Giraud, late of the town of Halifax, deceased, with the payment of all his just debts, and to prefer the same to the title acquired by this state in the property, which was of this said Jeroe in consequence of his self murder. Endorsed, In Senate, read the first time and passed.

Ordered that this Bill be read for the first reading in this House; the said Bill was accordingly read the first time, passed and returned to the Senate.

Received from the Senate the following Bills, viz:

A Bill to repeal such Laws and parts of Laws as militate against the Treaty of Peace with the King of Great Britain;

A Bill for the emancipation of the Slaves, the property of the people called Quakers, under certain rules and restrictions herein mentioned; and

A Bill to prevent the further importation of Slaves. Severally endorsed, In Senate, read the first time and passed.

Received also a Bill to compel the attendance of all such persons as are or may be elected, to represent any County or Town in the General Assembly of this State. Endorsed, read the third time, amended and passed.

The Bill to ascertain the true courses of a tract of Land on Neuse River in Craven County, was read the second time, passed and sent to the Senate.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly,

Gentlemen:

Herewith you will be pleased to receive an account of Warrants issued by me on the Treasury and the Collectors of Imposts, for twelve months last passed; with it are sundry vouchers on which Warrants have been made out.

You have also a separate account of the particular Warrants drawn in favour of the officers of the late Continental line of this State, in lieu of their orders from the Board of Treasury on the

Commissioner of the Continental Loan office in this State, the whole of the orders not being brought in is the reason those taken up have not yet been transmitted to the Commissioner's office; these orders also accompanying the account.

RD. CASWEL.

Tarborough, November 26th, 1787.

Resolved, That the foregoing Message from His Excellency the Governor, together with the accounts of Warrants by him issued &c., to be referred to the Committee on Finance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This is accompanied by a Message this day received from His Excellency the Governor, with an account of Warrants by him drawn on the Public Treasury for twelve months past, which we propose referring to the Committee on Finance, together with the other papers referred to.

The Bill to prevent the further Importation of Slaves, was read the first time, passed and sent to the Senate.

The Bill to repeal such Laws and parts of Laws as militate against the Treaty of Peace with the King of Great Britain, was read the first time, passed and sent to the Senate.

The Bill for the Emancipation of the Slaves, the property of the people called Quakers, under certain rules and restrictions herein mentioned, was read the first time, passed and sent to the Senate.

Mr. Polk presented the Petition of William Alexander, praying, &c., which being read was referred on the part of this House to Mr. Polk, Mr. Phifer and Mr. Steele and sent to the Senate.

Received from the Senate the Petition of the Inhabitants of Davidson County. Endorsed, In Senate, read and referred to the Committee of Propositions & Grievances; which being read was referred by this House to the Committee appointed to report what bills are necessary to be passed into Laws during this Session.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We propose that the Petition from the Inhabitants of Davidson County be referred to the Committee appointed to consider of

Public Bills, as sundry papers relative to the subjects treated of in the said Petitions have been already referred to them, together with the papers received from His Excellency the Governor.

The Bill for granting and securing to John Fitch, the sole right and advantage of constructing, making and vending the Steam Boat by him lately invented, for a limited time, was read the third time and rejected.

Received from the Senate the resignation of John Knox one of the Justices of the Peace for Northampton County. Endorsed, In Senate, read and accepted; which being read was accepted by this House and returned.

Mr. Cabarrus presented the Petition of Charles Johnston and S. Dickinson, Executors of the last Will and Testament of John Smith, late of Chowan County; which being read, Mr. Cabarrus moved for leave and presented a Bill to enable the Executors of John Smith formerly Sheriff of Chowan, to collect the arrearages of Taxes, which was read the first time, passed and sent to the Senate.

Mr. Potts presented the Memorial and remonstrance of the Commissioners and Citizens of the town of Wilmington, relative to their demolishing the old Court House in the said Town, and praying to be relieved from the fines incurred in consequence thereof; which being read was referred to Mr. Bloodworth, Mr. P. Hawkins, Mr. Rhodes, Mr. Cabarrus and Mr. Franklin, on the part of this House, and sent to the Senate.

Mr. Grove moved for leave and presented a Bill to erect a Court of Law and Equity at Fayetteville, which being read the first time, was passed and sent to the Senate.

Mr. Thackston presented the Petition of John Campbell, which being read was referred to the Committee of Claims and sent to the Senate.

Mr. Ewing presented the Petition of sundry of the Inhabitants of Davidson County* praying a Division thereof, which being read,

Mr. Ewing moved for leave and presented a Bill agreeable to the Prayer of the said Petition, which was read the first time, passed and sent to the Senate.

Mr. Carson presented the Petition of sundry of the inhabitants

*Now in Tennessee.—Ed.

of Rowan County praying a Division thereof, which being read,

Mr. Carson moved for leave and presented a Bill agreeable to the prayer of the said Petition, which was also read and referred to a joint Committee. The members chosen on the part of this House for that purpose, are Mr. Phifer, Mr. Gowdy, Mr. Polk, Mr. Hawkins, Mr. Mebane and Mr. Cabarrus.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We herewith send you the Petition of sundry of the Inhabitants of Rowan County praying a division thereof, together with a Bill framed for that purpose, which we propose submitting to a Committee from both Houses. We have on our part appointed Mr. Phifer, Mr. Gowdy, Mr. Polk, Mr. Hawkins, Mr. Mebane and Mr. Cabarrus.

Ordered that Mr. Pierce have leave to absent himself from the service of this House until Monday next.

The House adjourned until to-morrow morning 10 o'clock.

TUESDAY, 27 November 1787.

The House met according to adjournment.

Mr. B. Spruill presented the resignation of Thomas Hawkins, one of the Justices for Tyrrell County; which being read was accepted by this House and sent to the Senate.

Mr. Stanfield presented the Petition of Alexander Smith and Baptist Clark, praying, &c., which being read was referred to the Committee of Claims and sent to the Senate.

Resolved, That no private Bill be received after Thursday next.

Mr. McDowall, Jun., moved for leave and presented a Bill for levying a further tax in the several Counties in the District of Morgan, to defray the remaining expense incurred on the public buildings in said District, which was read the first time, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We propose that the resolution which accompanies this be adopted in lieu of the one by you entered into on the same subject. At the same time received the Resolution above referred to, which being read was rejected.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This House have received and considered the resolution of your House respecting the mode proposed to be adopted in allowing Claims, with which we cannot concur, from a supposition that too much time will be taken up in passing the Claims through the two Houses of the General Assembly, and hope the Senate will reconsider their resolution on that head and concur herewith.

Mr. Hill moved for leave and presented a Bill to repeal part of an Act passed at New Bern in the year 1785, entitled "an Act for destroying wolves, panthers, Bears, Wild Cats, Crows, and Squirrels, in the several Counties therein mentioned," which was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Mary White. Endorsed, In Senate, read and referred to the Committee on the Memorial of the Hon. Judge Ashe; which being read was referred as by the Senate and returned.

Mr. Potts presented the Petition of Mildred Swann widow and Administratrix, and Frederick Jones and Archibald Maclaine, Administrators of the goods, chattels, and credits which were of Samuel Swann, late of New Hanover County, deceased, praying that an act may pass to empower the Administrators of Samuel Swann, late of New Hanover County, deceased, to sell and dispose of part of the real estate of the said Samuel for the payment of his debts, in order to make the better provision for his family, and also to make conveyances for such part of the real estate as was sold by the said Samuel in his life time; which being read Mr. Potts moved for leave and presented a Bill agreeable to the prayer of the said Petition, which was read the first time, passed and sent to the Senate.

The Bill to compel the attendance of all such persons as may be elected to represent any County or town in the General Assembly of this State at such time and place as may be appointed, was read the third time, passed and ordered to be engrossed.

Mr. B. Spruill presented the Memorial of Jonathan Hooker praying, &c.; which being read, was referred to the Committee of Propositions and Grievances and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We propose that the Petition of John Bradley, herewith sent you, be referred to the consideration of a Special Committee, and have for this purpose on our part appointed Mr. Owen, Mr. Kenan and Mr. Macon.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We agree that the Petition of Mr. Bradley, with the papers accompanying it, be referred as by you proposed. We have for this purpose on our part appointed Mr. Polk, Mr. Rhodes, Mr. Blount, Mr. Grove and Mr. Potts.

Received from the Senate the following Bills, viz:

A Bill for electing Wardens of the Poor; and

A Bill for revising and collecting the acts of the General Assembly of the State of North Carolina. Endorsed, read the first time and passed.

Mr. Gowdy moved for leave and presented a Bill directing the Clerks of the Several Courts of record within this State as to their duty in office, with respect to the issuing of writs, which was read the first time, passed and sent to the Senate.

The Bill for electing Wardens of the Poor was read the first time, passed and sent to the Senate.

The Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina was read the first time, passed and sent to the Senate.

Received from the Senate a Bill to prevent the further importation of Slaves. Endorsed, In Senate, read the second time, amended and passed.

Ordered that the Bill be read; the Bill was accordingly read the second time, passed and sent to the Senate.

Mr. Tatham presented sundry Petitions from the Inhabitants of Anson, Montgomery and Richmond Counties praying that a Law may be passed for granting a pardon to Thomas Wade, who stands charged with having killed a certain Epperson, which being read was referred to the Committee appointed on the Memorial of John Bradley.

Mr. Polk presented the Petition of John Allen praying, &c. ; which being read Mr. Polk moved for leave and presented a Bill to emancipate a mulatto woman named Betty, alias Betty Allen and her child named Mary, which being read the first time was passed and sent to the Senate.

Mr. B. Spruill presented the Petition of Jonathan Phelps and others praying, &c. ; which being read was referred to the Committee of Propositions and Grievances and sent to the Senate.

Mr. P. Hawkins presented the Memorial of the Hon. Samuel Ashe, Samuel Spencer and John Williams, Esquires, Judges of the Superior Courts of Law and Equity in this State, setting forth that by the depreciation of the present circulating Currency the Salary allowed them as Judges aforesaid is inadequate and praying relief; which being read was referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., and sent to the Senate.

Mr. Thackston moved for leave and presented a Bill for the better regulation of the town of Fayetteville, which was read the first time, passed and sent to the Senate.

Mr. Polk presented the Petition of sundry inhabitants of Mecklenburg County, praying, &c. ; which being read Mr. Polk moved for leave and presented a Bill to repeal the seventh section of an act directing the method of electing members of the General Assembly; also, one other act entitled "an act for removing the public buildings of Mecklenburg County from Charlotte," which was read the first time, passed and sent to the Senate.

Received from the Senate the following Message.

Mr. Speaker and Gentlemen:

We agree that the representation from the Field Officers of Davidson County be referred to the consideration of a joint Committee as by you proposed, for this purpose we have appointed Mr. Lenoir, Mr. Long and Mr. Owens, who will act with the Gentlemen by you named.

Mr. Speaker and Gentlemen:

We agree that the Message from His Excellency the Governor, of the 26th Inst., together with the papers therein referred to, be submitted to the Consideration of the Committee appointed on Finance.

Mr. Stewart moved for leave and presented a Bill for the better regulation of the Inspection of Tobacco at the Town of Fayetteville, and to prevent frauds, which was read the first time, passed and sent to the Senate.

Mr. Richard Dobbs Spaight one of the members for Craven County, appeared, was qualified and took his seat.

Mr. Bloodworth presented the Petition of John Walker of Wilmington, praying, &c.; which being read, was referred to the Committee of Propositions & Grievances and sent to the Senate.

Received from His Excellency the Governor, the following message:

To the Honorable the General Assembly:

Gentlemen:

I have received the resignation of sundry Public Officers, that is to say, the Hon. Timothy Bloodworth as Delegate to Congress for the Current year; Joseph Leech, Esq., as Judge of the Maritime Court at Washington, and also as Lieutenant Colonel of the Beaufort regiment of Militia.

By the death of Samuel Swann, Esq., the office of Judge of the Maritime Court at Wilmington is vacant; James Geikie, Esq., has been recommended as a proper person to supply his place, and likewise Thomas Davis, Esq.

I mention these vacancies, to the end that you at such time as you shall judge proper, will be pleased to fill the same by new appointments.

I lay before you a letter from Col. Joseph Martin Superintendent of Indian affairs, with a talk from the old Tassel a Cherokee Chief, the matters in them contained appear to me of a serious nature and I presume will meet with that attention the importance of the same require.

Permit me to take the liberty of laying before you the proceedings of the Council of State and informing that the Books in which are entered such public Dispatches and papers as I have received, and also those containing copies of my letters of a public nature, are ready to be laid before you whenever you shall think proper to call for them.

RD. CASWELL.

Tarborough, November 27th, 1787.

Ordered that the foregoing Message, together with the Letters, &c., therein referred to, be referred to the Committee on Finance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

The Message herewith sent from His Excellency the Governor, of this day's date, together with the Letters, &c., therein referred to, we propose referring to the Committee on Finance.

Ordered that Mr. Spaight be added to the Committee on Finance and the Committee appointed to report such Bills of a public nature as are necessary to be passed into Laws this Session.

Mr. Stanfield presented the resignation of Nathaniel Steed one of the Justices of the Peace for Randolph County, which being read was accepted by this House and sent to the Senate.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We have added Mr. Spaight to the Committee on Finance and the Committee appointed to report such Bills of a public nature as are necessary to be passed into Laws this Session.

The House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, 28 November, 1787.

The House met according to adjournment.

Mr. Bloodworth presented the Memorial of John Kingsbury praying, &c., which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

Mr. Dickins moved for leave and presented a Bill to empower the Wardens of the Poor, for the County of Caswell, to purchase lands and build a House for the reception of the Poor in the County afore-said; which was read the first time, passed and sent to the Senate.

Mr. Cabarrus moved for leave and presented a Bill for promoting the navigation of Albemarle Sound, which was read the first time, passed and sent to the Senate.

Mr. Dawson moved for leave and presented a Bill to enable the Wardens of the Poor for the County of Halifax to levy a Tax on the Inhabitants of the said County to discharge the debts due in the year 1776 to the Rev. Thomas Burges, now deceased, for ministerial services performed in the parish of Edgecombe and for allow-

ances made in lieu of a Glebe; which was read the first time, passed and sent to the Senate.

Mr. McDowall presented a Petition from sundry of the Inhabitants of Surry County praying a division thereof, which being read Mr. McDowall moved for leave and presented a Bill agreeable to the prayer of the said Petition; which was read the first time, passed and sent to the Senate.

Received from the Senate the following Bills, viz:

A Bill to repeal the seventh section of an act directing the method of electing members of the General Assembly, also one other act entitled "an Act for removing the public buildings of Mecklenburg County from Charlotte," &c.;

A Bill to erect a District Court of Law and Equity at Fayetteville;

A Bill empowering the Several County Courts therein mentioned to levy a Tax on all Black Polls to defray the expenses of Slaves hereafter executed;

A Bill to encourage the making Salt in Davidson County;

A Bill for levying a further Tax in the several Counties in the District of Morgan to defray the remaining expense accrued for the public buildings in the said District;

A Bill to repeal part of an act passed at New Bern in the year 1785, entitled, "an Act for destroying Wolves," &c.;

A Bill to enable the Executors of John Smith, formerly Sheriff of Chowan, to collect the arrearages of Taxes, &c.;

A Bill for the better regulation of the town of Fayetteville;

A Bill for the better regulation of the inspection of Tobacco at the town of Fayetteville, and to prevent frauds;

A Bill directing the Clerks of the several Courts of Record within this State as to their duty in office, &c.; and

A Bill to empower the Administrators of Samuel Swann late of New Hanover County, deceased, to sell and dispose of part of the real estate of the said Samuel, &c. Severally endorsed, In Senate, read the first time and passed.

Received from the Senate the Memorial of the Hon. Samuel Ashe, Samuel Spencer and John Williams, Esq., Judges, &c. The Memorial of Nathan Hooker, and the Petition of Jonathan Philips.

Severally endorsed, In Senate, read and referred as by the House of Commons.

Received also, the Petition of William Alexander. Endorsed, read and referred to Mr. Berger, Mr. J. Williams and Mr. Martin.

Mr. Steele moved for leave and presented a Bill to add the County of Moore to Hillsborough District, which was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee of Propositions & Grievances on the Memorial of the Inhabitants of the Town of Wilmington. Endorsed, In Senate, read and concurred with; the said Report being read was concurred with by this House and returned.

Mr. Potts presented the Petition of Thomas Wright, Esq., Sheriff of New Hanover County, praying, &c.; which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

Mr. Stewart, from the Committee to whom was referred the Petition from the Inhabitants of Randolph County, Reported as follows, viz:

Your Committee to whom was referred the Petition from the Inhabitants of Randolph County, praying that Commissioners may be appointed to fix on a place at or near the centre of said county to erect public buildings thereon, are of opinion that the prayer of said Petition be granted and that a Bill may be brought in for that purpose, all which is submitted.

JOSEPH STEWART, Ch.

The House taking the foregoing Report into consideration concurred therewith.

Mr. Stewart moved for leave and presented a Bill for altering the place of holding Courts in the County of Randolph, for erecting the public buildings thereon and for appointing Commissioners; which was read the first time, passed and sent to the Senate.

Received from the Senate the resignation of Thomas Haskins a Justice of the Peace. Endorsed, In Senate, read and accepted.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

The resolutions of your House, prohibiting the Introduction of

Private Bills after Thursday next, we have received and concurred with.

Mr. Mebane moved for leave and presented a Bill to remove all obstructions to the passage of Fish up the Neuse River, which was read the first time, passed and sent to the Senate.

Mr. Horn moved for leave and presented a Bill to prevent the obstruction of fish from running up the streams and water courses in Bertie County, and to clear the navigation thereof; which was read the first time, passed and sent to the Senate.

Mr. P. Hawkins moved for leave and presented a Bill to provide for the making of slopes suitable for the free passage of fish over all dams of whatsoever kind, erected across Deep River and Tar River; which was read the first time, passed and sent to the Senate.

Mr. Mebane moved for leave and presented a Bill appointing Commissioners to repair the Court House, Prison and Stocks in the Town of Hillsborough, and to levy a Tax on the Inhabitants thereof, for the benefit, use and reparation of the Streets of the Town aforesaid; which was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Benjamin Wilson and Zephaniah Burges. Endorsed, In Senate, read and referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., which being read was referred as by the Senate and returned.

Mr. Ewing moved for leave and presented a Bill for staying Executions in the County of Davidson, which was read the first time, passed and sent to the Senate.

Mr. Hill moved for leave and presented a Bill for altering the name of Jesse Hay to that of Jesse Speight, the names of Robert Porthress and Benjamin Clevers Porthress to Robert Ransom and Benj. Clevers Ransom, and of William Bonner to that of William Hunt; which was read the first time, passed and sent to the Senate.

Mr. Goudy presented the Petition of sundry of the Inhabitants of New Garden settlement, which being read was Ordered to be sent to the Senate.

Mr. Potts moved for leave and presented a Bill for establishing two places in the County of New Hanover for the purpose of holding General Musters therein, for dividing the Militia of said County into two districts suitable and convenient for the Inhabitants to

attend muster at the respective places, & for appointing the places of holding Courts Martial in said County; which was read the first time, passed and sent to the Senate.

Mr. Harvey moved for leave and presented a Bill to prevent thefts & Robberies by Slaves, Free Negroes and Mulattoes; which was read the first time, passed and sent to the Senate.

Mr. Wood moved for leave and presented a Bill to prevent Horse stealing, by imposing a fine on those who shall privately deal with persons of suspicious Characters in the Counties herein mentioned; which was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Daniel Colebreath. Endorsed, In Senate, read & referred to the Committee on the Memorial of the Honble. Samuel Ashe, Esquire; which being read was referred as by the Senate and returned.

Mr. Wood moved for leave and presented a Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a Tax to defray the expence thereof, and to change the name of Newton in said County to that of Wadesborough; which was read the first time, passed & sent to the Senate.

Received from the Senate the following Bills, viz:

A Bill for promoting the navigation of Albemarle Sound;

A Bill to provide for the making Slopes, suitable for the free passage of fish over all dams of whatsoever kind erected across Deep river and Tar river;

A Bill for dividing Surry County; and

A Bill to remove all obstructions to the passage of Fish up the Neuse River. Severally endorsed, In Senate, read the first time & passed .

Mr. Jones moved for leave and presented a Bill to prevent abuses in taking up stray Horses, Cattle, Hogs and sheep, and other things therein mentioned; which was read the first time, passed and sent to the Senate.

Mr. B. Spruill presented the Petition of Josiah Collins, Nathaniel Allen and Samuel Dickinson, praying, &c.; which being read,

Mr. Spruill moved for leave and presented a Bill to encourage the draining of a Tract of Land in Tyrrell County; which was read the first time, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We propose that a joint Committee be appointed to prepare and bring in a Bill relative to Claims against the State which remain yet unliquidated. We have for this purpose on our part appointed Mr. Allen Jones, Mr. Coor & Mr. Macon.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This House have appointed Mr. Spaight, Mr. Bloodworth, Mr. Mebane, Mr. Hawkins and Mr. Cabarrus, to act jointly with the Gentlemen appointed by the Senate, for the purpose of preparing and bringing in a Bill relative to claims against the State which remain yet unliquidated.

Received from the Senate the Report of the Committee to whom was referred the Petition of John Bradley. Endorsed, In Senate, read and concurred with; which report being read was concurred with by this House and returned.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We agree that the Petition of the Inhabitants of Davidson County be referred to the Committee on Public Bills as by you proposed.

Received from the Senate the Report of the Committee of Propositions & Grievances on the Petition of Archibald Cain. Endorsed, In Senate, read & concurred with; which report being read was concurred with by this House and returned.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We have added Mr. Hill to the Committee appointed on Judge Ashe's Memorial.

The Bill to encourage the making Salt in Davidson County was read the first time, passed and sent to the Senate.

Received from the Senate a Resolve of that House referring the Petition of John Justice to the Committee appointed on the Memorial of the Honble. Judge Ashe; which being read was concurred with by this House and returned.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

Mr. Person, Mr. Berger & Mr. Irwin will act with the Gentlemen by you appointed to consider of and report on the Petition and Bill respecting the division of Rowan County.

Received from the Senate the Report of the Committee of Propositions & Grievances on the Petition of William Queen. Endorsed, In Senate, read and concurred with; which being read was concurred with by this House and returned.

Received also the Report of the same Committee on the Memorial of David Kerr. Endorsed, In Senate, read and concurred with; which being read was concurred with by this House and returned.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We agree that the Message from His Excellency the Governor, of this day's date, together with its enclosures, be referred to the Committee of Finance.

The Bill empowering the several County Courts herein mentioned to levy a tax on all Black Polls, to defray the Expense of Slaves hereafter executed, was read the first time, passed and sent to the Senate.

Received from the Senate the following Bills, viz:

A Bill for altering the place of holding Courts in the County of Randolph, for erecting public buildings thereon, and for appointing Commissioners.

A Bill to amend an Act for restraint of vagrants & preventing desertion.

A Bill to empower the Wardens of the Poor for the County of Caswell to purchase a House for the reception of the Poor in the County aforesaid.

A Bill to prevent thefts and Robberies by Slaves, Free Negroes & Mulattoes.

A Bill to enable the Wardens of the Poor for the County of Halifax to levy a Tax on the Inhabitants of the said County to discharge the debts due in the year 1776 to the reverend Thomas Burges, now deceased, for Ministerial Services performed in the Parish

of Edgecombe, &c. Severally endorsed, In Senate, read the first time & passed.

Received from the Senate the Memorial of John Kingsbury. Endorsed, read and referred as by the House of Commons.

The Bill to repeal an act entitled "an Act for removing the Public Buildings of Mecklenburg County from Charlotte," was read the second time, amended, passed and sent to the Senate.

Received from the Senate the Petition of Reham Rading. Endorsed, In Senate, read and referred to the Committee of Propositions & Grievances; which being read was referred as by the Senate and returned.

Received also the resignation of Nathaniel Steed. Endorsed, read and accepted.

Received from the Senate the following Bills, viz:

A Bill to prevent Horse Stealing;

A Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a tax to defray the expense thereof, &c.;

A Bill to prevent abuses in taking up Stray Horses, &c.;

A Bill for staying execution in the County of Davidson;

A Bill for altering the name of Jesse Hay to that of Jesse Spaight, &c. Severally endorsed, read the first time and passed.

Ordered that Mr. Vaughan, Mr. Eborn and Mr. Smaw have leave to absent themselves from the service of this House for a few days.

Mr. Mebane, from the Committee of Privileges & Elections, to whom was referred the Petition of John Walker, Esquire, of Wilmington, Reports as follows, vizt:

That they have examined the several papers and other evidence exhibited relative to the Election of Joshua Potts, Esquire, to represent the Town of Wilmington in the House of Commons, vizt.:

No. 1. The Petition of Daniel McGuire, Andrew Lees, Peter Mangeon and William Sanderson, setting forth that they were respectively refused the privilege of voting at said Election (on pretext that their names were not on the Tax list), although they had respectively paid Public Tax and were otherwise qualified to vote according to Law; that James Fergus, Robert Chapman, John Gylman, John Rhodes, Henry Cummings and several others were respectively permitted to vote altho' their names stood not on the Tax

list; that John Campbell and John Brown were also permitted to vote who had not their names on said Tax list, nor had they ever paid Taxes; and that in consequence of such proceedings Mr. Potts was returned to represent said Town by a Majority of one vote; the said Petitioners further assert, that Mr. Potts is not qualified to hold a seat as representative, he having never returned any Lands as Freeholder.

No. 2. An affidavit annexed to the foregoing Petition taken before Morris Ward, Esquire, J. P., by the said Petitioners setting forth that the deponents were respectively upwards of Twenty-one years of age, had lived upwards of Twelve Months in said Town of Wilmington, previous to the day of Election, and had respectively paid public Tax prior to said Election; that they respectively tendered their votes in favor of Mr. Walker to Thomas Wright, Esquire, Sheriff of New Hanover County and to Joel Parish and Thomas Devane, Inspectors of the Poll which said Sheriff and Inspectors of the Poll did then and there reject and refuse to receive said votes.

No. 3. An affidavit of Peter Mangeon one of the foregoing Petitioners & deponents, containing the same Testimony by, and for himself as an Individual, as is set forth in No. 2 by the four deponents jointly.

No. 4. The deposition of William Sanderson one of the said Petitioners and Deponents, containing the same information as No. 3.

Nos. 5 & 6. The Depositions of Daniel McGuire and Andrew Lees annexed, two of the said Petitioners and deponents, to the same effect as Nos. 3 & 4.

No. 7. The deposition of Samuel Turner setting forth that at the Election aforesaid, he voted for John Walker, Esquire, after having taken the necessary oath to qualify him, that after he had given in his vote, Mr. James Read, Justice of the Peace and Collector for Port Brunswick, came up to the deponent with much outrage and abusive language, declaring that he was a perjured fellow, villian, &c., for which he would prosecute him with the utmost rigor or words to that effect, and the deponent further declares and believes that said Mr. Read prevented numbers from coming forward in favour of Mr. Walker.

No. 8. The Deposition of Alexander McCulloch, the Collector of

Taxes in Wilmington for the year 1785, setting forth that at an Election held for a member to represent said Town, said year, he did receive at the Poll from divers of the Inhabitants Taxes who were not on the Tax list, who were immediately allowed to vote; that the Deponent had seen Thomas Wright, Esquire, Sheriff, receive Taxes of sundry of the inhabitants at the Poll and allow them to vote at said Election, and that it hath been Customary for said Sheriff to receive Taxes and give receipts to such of the inhabitants of said Town as had not paid or stood on the Tax list, and that such have always been allowed to vote at the Elections for the Town and County.

No. 9. The Deposition of John Nichols, Tax Gatherer for the Town of Wilmington for the year 1786, setting forth that the name of James Fergus was not on the Tax list, notwithstanding which he paid his Tax on the day of Election and was allowed to vote for a member to represent said Town, when divers other inhabitants were denied the same privilege by the Sheriff and Inspectors; that the said Inspectors did allow John Campbell and John Brown to vote altho' they neither stood on the Tax list nor had they ever paid him the taxes; that he hath seen said Sheriff receive Taxes of sundry of the inhabitants of the Town at the Poll and allow them to vote at the Election for the year 1786, and that it hath been customary for said Sheriff to receive Taxes at the Poll and allow such of them that paid to vote, altho' they stood not on the Tax list; and Further, that the deponent paid his own Tax to said Sheriff at the Poll at the Election in the year 1785, in consequence of which he was allowed to vote by said Sheriff and the Inspectors of the Poll at said Election.

No. 10. The deposition of John Nichols, Tax-gatherer, setting forth that Mr. Joshua Potts, who was returned as member for the Town of Wilmington for the year 1787, does not appear to have any lands or property on the Tax list for the year 1786, more than one Poll and a pair Cheer Wheels and that said Mr. Potts had not paid any Tax whatever to him the said Tax-gatherer.

Nos. 11, 12 & 13. Receipts from John Nichols Tax-gatherer, to Peter Mangeon, Daniel McGuire & William Sanderson for their Taxes, respectively, for the year 1786.

Mr. John Kingsbury being sworn before the Committee, saith that a Mr. Turner was threatened by Col. Read (as set forth in said Turner's deposition No. 7) but that Mr. Turner had voted prior to such threats, that he did not know of any persons or person being deterred from giving in their votes by or on account of the threats held out by said Colo. Read, but that the votes of Mr. Sanderson, Mr. Mangeon and Mr. Blakely & a Mr. Harrick were refused by the Sheriff and Inspectors because they had not given in their Tax list.

Mr. Thomas Wright, Sheriff of New Hanover County, being sworn before the Committee admits that he, with the Inspectors, did reject the votes of Mr. Sanderson, Mr. Mangeon and Mr. McGuire, and perhaps some others whose names were not immediately in his recollection, because those names did not appear on the Tax list; he also admits that those persons might on the day of Election pay a single Tax to the Tax-gatherers, but as they stood not on the list of Taxes they were by Law liable to a fine and to pay a double Tax which they did not comply with; consequently the Tax-gatherer was not authorized to receive or grant a receipt for a single tax, nor were the parties paying such entitled to vote; the deponent also admits that James Fergus, John Campbell and John Brown were allowed the privilege of voting, Fergus was a young man of perhaps twenty-two years of age an inhabitant of Wilmington from his infancy, and it appeared very probable to the deponent that said Fergus had, by himself or his father, paid Taxes even prior to the present year. That Campbell and Brown were inhabitants of Wilmington several years, and it never occurred to the deponent that they had not paid Taxes, nor were they even questioned or their votes objected to at the time of giving in. All which is humbly submitted to the decision of this House.

ALEXANDER MEBANE, Ch.

The House taking this report into consideration came to the following Resolutions thereon, to-wit:

Resolved, That it is the opinion of this House that Joshua Potts, the returned member for the Town of Wilmington, was at the time of the Election duly qualified to represent said Town.

Resolved, That it is the sense of this House that the last annual Election held for the Town of Wilmington was illegal, and that the seat of Joshua Potts is hereby declared to be vacated.

Ordered that a writ for the Election of a Member of this House issue to the Sheriff of New Hanover County, requiring him to summon the free holders & free men of the Town of Wilmington to meet at the Court House in the said Town on Wednesday & Thursday the 12 & 13 Days of December next, then & there to choose and elect one person properly qualified to represent the said Town in this House in the room and stead of Joshua Potts, Esquire, whose seat is vacated.

The House adjourned till To-morrow Morning 10 o'clock.

THURSDAY, 29 November, 1787.

The House met according to adjournment.

Mr. Adams Sanders one of the members for Caswell County, and Mr. James Sanders one of the members for Sumner County, appeared, were qualified and took their seats.

On the application of John Haywood, Esquire, Public Treasurer, for the opinion of the General Assembly with respect to the mode to be adopted in payment of Members Certificates issued in time of depreciated Money. Resolved, That he discharge all such in Money agreeable to the Scale of Depreciation, and that he shall be allowed for the same accordingly in the settlement of his Public Accots.

Mr. Montgomery moved for leave and presented a Bill to extend an act of the General Assembly held at New Bern in the year 1785, concerning the County Wardens of the Poor, to the County of Hertford; which was read the first time, passed and sent to the Senate.

Mr. Steele moved for leave and presented a Bill to amend an Act passed at Fayetteville entitled "an Act to amend an Act, entitled an Act for regulating the Town of Salisbury and for regulating the Town of Windsor in Bertie County"; which was read the first time, passed and sent to the Senate.

Mr. Bloodworth presented the resignation of David Jones, Senr., and John Devane, Sen., as Justices of the Peace for New Hanover County; which being read was accepted of and sent to the Senate.

Mr. Harvey moved for leave and presented a Bill for the accommodation of Post Riders; which was read the first time, passed and sent to the Senate.

Mr. Sheppard moved for leave and presented a Petition from

sundry of the inhabitants of the Counties of Dobbs, Edgecombe and Wayne, praying that an Act may be passed for creating a new County by taking off part of each of the said Counties; which being read, Mr. Sheppard then moved for leave and presented a Bill agreeable to the Prayer of the said Petition.

Ordered that the said Petition and Bill be referred to the Committee to whom was referred the Petition & Bill for dividing Rowan County.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We herewith send you the Petition of sundry the Inhabitants of the Counties of Wayne, Edgecombe and Dobbs, together with a Bill for erecting parts thereof into a separate County. which we propose referring for a report on the propriety thereof to the Committee appointed to consider of the Petition and Bill for dividing Rowan County.

Received from the Senate the following Bills, vizt:

A Bill to encourage the draining of a Tract of Land in Tyrrel County;

A Bill for establishing two places in the County of New Hanover for the purposes of holding General Musters therein, for dividing the Militia of said County into two districts, &c.:

A Bill to extend an Act passed at New Bern the 29th day of Decm., 1785, entitled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned to build Houses in their respective Counties for the reception of the Poor," &c.;

A Bill appointing Commissioners to repair the Court House, Prison and Stocks in the Town of Hillsborough, for the District of Hillsborough, &c.; Severally endorsed, read the first time & passed.

Received also a Bill authorizing & requiring the County Courts of Pleas and Quarter Sessions to divide & appropriate the real Estate of Intestates, &c. Endorsed, read the third time and passed.

Mr. Wood moved for leave and presented a Bill to restore Hugh Ross of Anson County, to his Land; which was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Thomas Wright, Sheriff of New Hanover County, and the Petition of James Hamilton of

Sullivan County. Endorsed, In Senate, read and referred as by the House of Commons.

Mr. Steele presented the Petition of John Brevard, praying, &c., which being read was referred to Mr. Carson, Mr. Steele and Mr. Brown on the part of this House, and sent to the Senate.

Mr. Spaight presented the Claim of Thomas Davis, Esquire, which being read was referred, on the part of the House, to Mr. McDowall, Mr. Bloodworth and Mr. W. Hawkins, and sent to the Senate.

Received from the Senate the Claim of Aaron Tassil. Endorsed, In Senate, read and referred to the Committee of Claims; which being read was referred as by the Senate.

The Bill for the better regulation of the Town of Fayetteville was read the second time, amended, passed and sent to the Senate.

Mr. Singleton presented the Petition of Sundry Inhabitants of the County of Rutherford, in behalf of English, Early & Company; which being read was referred to Mr. Withrow, Mr. McDowall, Mr. Singleton, Mr. Goudy & Mr. Steele, on the part of this House, and sent to the Senate.

Received from the Senate a Bill for cutting a navigable Canal from the waters of Pasquotank River in this State to waters of Elizabeth River in the State of Virginia. Endorsed, read the first time and passed.

The Bill to enable the Wardens of the Poor for the County of Halifax to levy a Tax on the Inhabitants of the said County to discharge the debts due in the year 1776 to the Reverend Thomas Burges, now deceased, for Ministerial Services performed in the Parish of Edgecombe & for allowances made in lieu of a glebe; was read the second time, amended, passed and sent to the Senate.

Mr. Diggs moved for leave and presented a Bill for altering the times for holding the County Courts of Edgecombe, Halifax and Pitt; which was read the first time, passed and sent to the Senate.

Mr. Williams moved for leave and presented a Bill empowering the Court of Pitt County to establish a free Ferry over Tar River at the town of Greenville, and to levy a Tax on the Inhabitants of said County for that purpose; which was read the first time, passed & sent to the Senate.

Mr. Wood moved for leave and presented a Bill for securing to Thomas Johnston of Anson County, the sole right and privilege of

printing, publishing and vending a certain book therein described, for a term of years; which was read the first time and rejected.

Mr. Tatham moved for leave and presented a Bill to enforce the attendance of such Freeholders and Freemen as are entitled to vote for representatives for the Senate or House of Commons of the State of North Carolina, to give their suffrages at the annual Elections hereafter to be held in this State, under a penalty therein expressed; which was read the first time and rejected.

The Bill to amend an Act for restraint of Vagrants and preventing desertion, was read the first time, passed and sent to the Senate.

Mr. Polk presented the Petition of Matthew McClure, praying, &c.; which being read, was referred, on the part of this House, to Mr. Polk, Mr. Blount, Mr. Goudy & Mr. McDowall, and sent to the Senate.

Received from the Senate a Bill for fixing the final settlement of unliquidated Claims against this State, and against the United States within this State; and

A Bill to enable William Nall, Sheriff of Wilkes County, to collect all the Taxes due from said County for 1785 and 1786, and to allow him further time to settle for his collection with the Treasurer. Endorsed, read the first time and passed.

Mr. B. Spruill presented the Petition of Sundry Inhabitants of Tyrrel County, praying, &c.; which being read Mr. Spruill moved for & presented a Bill for establishing a Town on the River Scuppernong, in the County of Tyrrell; which was read the first time, passed and sent to the Senate.

The Bill to empower the administrators of Samuel Swann late of New Hanover County, Esquire, deceased, to sell and dispose of part of the real Estate of the said Samuel for the payment of his Debts in order to make the better provision for his Family, and also to make Conveyances for such part of the real Estate as was sold by the said Samuel in his life-time; was read the second time, amended, passed and sent to the Senate.

Mr. McDowall, Jun., moved for leave to bring in a Bill to encourage the building of Iron Works in the District of Morgan, when convenience admits, by granting vacant Lands not fit for cultivation to the persons who will carry on that useful Branch of business in a limited time. Endorsed, that he have leave accordingly.

The Bill for dividing the County of Surry was read the second time and ordered to lie on the Table until the next Assembly.

Received from the Senate a Bill directing the Courts of Pleas and Quarter Sessions of Pasquotank County to be held at Winfield on Pasquotank River, and for establishing a Town on the Lands of Thomas Relf at Winfield, in said County; and

A Bill to amend & continue an act entitled "an Act to authorize the late Commissioners of Specific Supplies, for the several Counties therein mentioned, to collect the arrearages of Taxes yet due the Inhabitants thereof." Endorsed, read the first time and passed.

Received from the Senate a Resolve of that House for making an adequate allowance to such persons as the Public Treasurer may employ as a Clerk during this Session; which being read was concurred with and returned.

Mr. P. Hawkins moved for leave and presented a Bill to declare & explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors within the different Counties to make their Surveys and return Plotts thereof to the Secretary's office, and more especially of a Act passed at New Bern in the year 1785, entitled "an Act to amend an Act entitled an Act for opening the land office, and other purposes, and to give further time for the registration of Deeds and Grants therein described;" which was read the first time, passed and sent to the Senate.

Received from the Senate the Report of the Committee of Propositions and Grievances on the Petition of William Parham. Endorsed, In Senate, read and rejected.

The Bill to enable the Executors of John Smith formerly Sheriff of Chowan, to collect the arrearages of Taxes, was read the second time and rejected; whereupon the Yeas and Nays were required by Mr. Cabarrus which are as follows, viz:

Yeas—Messrs. Grove, Sawyer, Phifer, Harvey, Dodd, Jones, Cabarrus, Ferebee, Dawson, Fuller, McDowall, Thackston, McKiune, Bloodworth, Barnes, Tatham—16.

Nays—Messrs. Wood, Nixon, Oliver, Dauge, Horn, Copeland, Creecy, Jos. Stewart, Sheppard, Goudy, W. Baker, Rhodes, Montgomery, Bryan, Kendall, Thomas, Bonds, Peebles, Yates, Mebane, Everagin, Williams, Carson, Stansfield, Bethell, Waddell, Scott, Holmes, Allison, W. Taylor, Sanders, Franklin, Brown of Wilkes,

Steele, J. Taylor, Campbell, Ewing, Diggs, Dolvin, B. Spruill, Hill, Henderson, Marshall, J. Baker, Wynns, Brown of Bladen, Lindley, Tyson, P. Hawkins, Yancey, Devane, Cain, Koen, Humphries, Jenkins, Pickett, Withrow, Jas. Stewart, Caffin, A. Sanders, J. Sanders—61.

Received from the House the following Bills, viz:

A Bill to amend an Act entitled "an Act to keep open Roanoke River for the passage of fish up the same, &c. ;

A Bill to emancipate Joseph, a Mulatto Slave, the property of the Estate of Agerton Willis late of Bladen, deceased, &c. ;

A Bill for annexing part of the County of Dobbs to Pitt County ;

A Bill for the accommodation of Post Riders. Severally endorsed, read the first time and passed.

Received also a Bill to encourage the making of Salt in Davidson County. Endorsed, read the second time and passed.

The Bill to repeal part of an Act passed at New Bern in the year 1785, entitled "an Act for destroying Wolves, Panthers, Bears, Wild Cats, Crows and Squirrels in the several Counties therein mentioned," was read the second time, passed and sent to the Senate.

Received from the Senate the Petition of John Brevard. Endorsed, In Senate, read & referred to Genl. McDowall, Mr. Irwin and Mr. Crawford.

The Bill appointing Commissioners to repair the Court House, Prison & Stocks in the Town of Hillsborough, for the District of Hillsborough, and to levy a Tax on the Inhabitants thereof for the benefit, use and reparation of the Streets of the Town aforesaid ; was read the second time, amended, passed and sent to the Senate.

Mr. P. H. Hawkins presented the Memorial of James Thackston, Esquire, setting forth, &c. ; which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

Mr. McKinne moved for leave and presented a Bill for extending the dividing line between the Counties of Wayne and Johnston, which was read the first time, passed and sent to the Senate.

Received from the Senate a Bill to establish a Port at the Town of Woodstock in the County of Hyde on Pungo River, and a Bill for altering the times for holding the County Courts of Edgecombe, Halifax and Pitt. Endorsed, In Senate, read the first time and passed.

Received from the Senate the Claim of Thomas Davis. Endorsed, read and referred to Mr. J. Martin, Mr. Irwin & Mr. Abram Jones.

Mr. Creecy moved for leave and presented an additional Bill to an Act entitled "an Act to amend an Act intituled an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out Public Roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland Rivers and Creeks; which was read the first time, passed and sent to the Senate.

Received from the Senate the representation and remonstrance of the members of Moore County. Endorsed, read and referred to the Committee on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

The Bill to amend an Act entitled "an Act to keep open Roanoke River for the passage of fish up the same, and other purposes therein mentioned," was read the first time, passed and sent to the Senate.

Received from the Senate the Petition in behalf of English, Early & Company. Endorsed, In Senate, read and referred to Mr. Overton, Mr. McDowall & Mr. Miller .

The Bill to extend an Act passed at New Bern the 29th day of December, 1785, entitled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned to build houses in their respective Counties for the reception of the Poor, and other purposes," to the Counties of Warren, Caswell and Pasquotank; was read the first time, passed and sent to the Senate.

The Bill for annexing part of the County of Dobbs to Pitt County, was read the first time, passed and sent to the Senate.

Mr. Henderson moved for leave and presented a Bill to amend an Act entitled "an Act to Pardon and consign to oblivion the offences and misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins; which was read the first time, passed and sent to the Senate.

The Bill to remove all obstructions to the passage of Fish up the Neuse River, was read the second time, amended, passed & sent to the Senate.

Mr Brown presented the Petition of James Fletcher, praying,

&c.; which being read was referred to the Committee of Claims and sent to the Senate.

Received from the Senate the following Bills, vizt.:

A Bill to require & direct the Treasurer to receive the Certificates therein mentioned for two thirds of the debts due by bonds now held in his office for confiscated property;

A Bill empowering the Court of Pitt County to establish a free Ferry over Tar River at the Town of Greenville, &c.;

A Bill for adding part of Craven County to Dobbs County;

A Bill to declare and explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors within their different Counties to make their Surveys, &c. Endorsed, In Senate, read the first time and passed.

Received also, a Bill to repeal such Laws and parts of Laws as Militate against the Treaty of Peace with the King of Great Britain. Endorsed, read the second time and passed.

Mr. Dickson moved for leave and presented a Bill to improve the Navigation of the North East branch of Cape Fear River, the North East Swamp, and Goshen Swamp in Duplin County; which was read the first time, passed and sent to the Senate.

The Bill to provide for the making of Gates or Slopes suitable for the free passage of fish over all dams of whatsoever kind, erected across Deep River & Tar River, the South fork of the Catawba river, the first, second & third Broad River, & Rocky river of Pee Dee as far as White's Ford; was read the second time, passed and sent to the Senate.

Mr. Bloodworth moved for leave and presented a Bill to repeal part of an Act passed at Hillsborough 1784, entitled "an Act for the regulation of the Town of Wilmington."

Mr. Polk moved for leave and presented a Bill to enable the County Courts of Mecklenburg & Burke to lay a fine on Tavern keepers who act contrary to the rules established by the said Courts, and to lay fines on such as retail Liquors within the said Towns without License.

Mr. Bloodworth, by an address to the Speaker, informed the House that there were reports circulating out of doors much to the prejudice of the Character of Mr. Bonds one of the sitting Members, as those reports contain charges of his having drawn Monies out of the

Public Treasury, the property of others, by false orders; whereupon it was moved, and so ordered by the House, that Mr. Bonds shall have time until Saturday next to acquit himself of the said charges.

Resolved, That no member of the General Assembly who shall absent himself from the service thereof, on his own private business, after the day appointed for its meeting shall receive pay for the time of such absence.

The House adjourned till To-morrow Morning 10 o'clock.

FRIDAY, 30 November, 1787.

The House met according to adjournment.

Received from the Senate the following Bills, vizt:

A Bill to amend an act entitled "an Act to encourage the building of Public Mills," &c.;

A Bill to amend an Act entitled "an Act to pardon & consign to oblivion the offences, &c., in the Counties of Washington, Sullivan, &c. Endorsed, In Senate, read the first time and passed.

Received also, a Bill to repeal an Act entitled "an Act for removing the Public buildings of Mecklenburg County, &c. Endorsed, read the second time and passed.

The Bill for fixing the final settlement of unliquidated Claims against this State and the United States within this State, was read the first time, passed and sent to the Senate.

Mr. Phifer moved for leave and presented a Bill to regulate the proceedings in dividing of Counties hereafter in this State, which was read the first time, passed and sent to the Senate.

Received from the Senate the Resolve of this House directing the Public Treasurer, with respect to paying the Certificates therein mentioned, concurred with by that House.

The Bill for staying execution in the County of Davidson, was read the second time and rejected.

Received from the Senate a Bill to effect the Cutting and clearing a Road from the lower end of Clinch Mountain to the Cumberland settlements, & for preserving peace and guaranteeing safety to the Inhabitants thereof. Endorsed, read the first time & passed.

Received from the Senate the resignation of David Jones and

John Devane, Justices in New Hanover County. Endorsed, read and accepted.

Mr. Nixon presented the Petition of William Caps, which being read was referred on the part of this House to Mr. Nixon, Mr. Sanders and Mr. Dawson, and sent to the Senate.

The Bill directing the Courts of Pleas and Quarter Sessions of Pasquotank County to be held at Winfield on Pasquotank River, and for establishing a Town on the lands of Thomas Relf at Winfield in said County, was read the first time and Rejected.

Mr. McDowall presented the Memorial of James Green Lee, setting forth, &c.; which being read was referred to the Committee appointed to consider of the Petition of John Brevard, and sent to the Senate.

Ordered that Mr. Dickins and Mr. Franklin be added to the Committee appointed on the Petition of John Brevard.

Received from the Senate a Bill to restore Hugh Ross of Anson County, to his Lands. Endorsed, read the first time and passed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We propose that a joint Committee of Members from both Houses be appointed to receive from the Public Treasurer and burn up, all members Certificates for attendance on the General Assembly, old Dollar Bills and such of the Currency of the two last emissions now in his possession as is unfit by means of its raggedness for any further Circulation; who shall make report of the amount thereof to this Assembly. We further propose that this Committee be authorized to receive from the Treasurer all Warrants issued by the Governor of this State and punch them thro' the middle with a Circular punch of at least three quarters of an inch in diameter, and that they also make report of their proceedings herein to this Assembly. We have for this purpose on our part appointed Mr. Polk, Mr. Mebane, Mr. Cabarrus, Mr. Dickins, Mr. Phifer, Mr. Horn and Mr. Dickson.

The Bill for altering the times for holding the County Courts of Edgecombe, Halifax and Pitt, was read the second time, passed & sent to the Senate.

Mr. Dawson presented the Petition of Fanny McNeil, praying,

&c.; which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Ordered that the inquiry into the charges against Mr. Bonds be postponed until Tuesday next.

Mr. Dickins moved for leave to withdraw from the possession of the House the Bill to impower the Wardens of the Poor for the County of Caswell to purchase Lands and build a House for the reception of the Poor in the County aforesaid. Ordered that he have leave accordingly.

The Bill to direct a District Court of Law and Equity at Fayetteville, was read the second time, amended, passed and sent to the Senate.

Mr. Spaight presented the Petition of Spyers Singleton, praying that a resolution should pass requiring the Public Treasurer to pay off and take up a certain warrant therein mentioned; which being read was referred to Mr. Spaight, Mr. Bloodworth, Mr. Phifer and Mr. Goudy, on the part of this House & sent to the Senate.

Mr. Polk moved for leave and presented a Bill to prevent litigious suits; which was read the first time, passed and sent to the Senate.

Mr. Bloodworth moved for leave and presented a Bill to amend an Act intituled "an Act directing the method of electing Members of the General Assembly and other purposes," passed at _____ the _____ day of _____, 1777; which was read the first time, passed and sent to the Senate.

The Bill to repeal an Act passed in 1786 intituled "an additional Act to an Act intituled an Act for the regulation of the Town of New Bern and for other purposes;" was read the third time and rejected.

Mr. Stewart moved for leave and presented a Bill to establish and regulate the Toll fees on lower Little river in Cumberland County, & repairing the roads leading to the fords on said river, which was read the first time, passed and sent to the Senate.

The Bill for adding part of Craven County to Dobbs County, was read the first time and rejected.

Ordered that Mr. Sherrod have leave to absent himself from the Service of this House until Tuesday next.

The Bill to establish a part of the Town of Woodstock in the County of Hyde on Pungo River, was read the first time, passed and sent to the Senate.

Ordered that Mr. Smithwick have leave to absent himself from the service of this House until Monday next.

The Bill for the accommodation of Post Riders was read the second time, passed and sent to the Senate.

Received from the Senate the Petition of Matthew McClure. Endorsed, In Senate, read & referred to Mr. Lenoir, Mr. Person, Mr. Macon & Mr. Irwin.

Ordered that Mr. McKinne have leave to absent himself from the service of this House until Tuesday next.

Received from the Senate the Petition of Thomas Talbot. Endorsed, In Senate, read and referred to the Committee of Propositions & Grievances, which being read was referred by this House to the Committee appointed on the Petition of John Brevard.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We propose that the Petition of Thomas Talbot be referred to the Committee appointed on the Petition of John Brevard, instead of the Committee of Propositions & Grievances.

Ordered that the Bill for cutting a Navigable Canal from the Waters of Pasquotank River in the State of Virginia, lie over until the next Assembly.

The Bill to enable William Nall Sheriff of Wilkes County, to collect all the Taxes due from said County for the year 1785 and the year 1786, and to allow him further time to settle for his collection with the Treasurer; was read the first time, passed and sent to the Senate.

The Bill to encourage the making of Salt in Davidson County was read the second time, passed and sent to the Senate.

The Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a Tax to defray the expense thereof, and to change the name of Newton in said County to that of Wadesborough; was read the second time, passed and sent to the Senate.

The Bill to amend and continue an act entitled "an Act to authorize the late Commissioners of Specific Supplies for the several Counties therein mentioned, to collect the arrearages of Specific Taxes yet due from the Inhabitants thereof," was read the first time, passed and sent to the Senate.

The Bill for establishing two places in the County of New Hanover for the purpose of holding General Musters therein, for dividing the Militia of said County into two districts suitable and convenient for the Inhabitants to attend Muster at the respective places, and for appointing the place of holding Courts Martial in said County, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We approve of the resolution of your House relative to the manner of paying Members who absent themselves from the services of the Houses, and propose as an amendment thereto the words "*after the day appointed for its meeting,*" be inserted after the word "*business.*"

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This House have agreed to the amendment proposed by your House to the Resolve declaring the members shall not receive pay for any time they may be absent from the service of the General Assembly, and have made the Resolve conformable thereto, and now send it for concurrence.

Received from the Senate a Bill to prevent the further importation of Slaves. Endorsed, read the third time, amended and passed.

Received from the Senate the following Bills, viz:

A Bill to prevent the obstructing fish from running up the streams & water courses in Bertie County, & to clear the navigation thereof;

A Bill to prevent litigious suits; -

A Bill to appoint a Trustee in the room of James Sampson, Esquire, deceased, &c. Endorsed, In Senate, read the first time and passed.

The Bill to prevent abuses in taking up Stray Horses, Cattle, Hogs and Sheep, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We agree to your proposition relative to the appointment of a

Committee to receive from the Public Treasurer, and punch through Certificates, &c., and have appointed Mr. Hill, Mr. Macon, Mr. Skinner and Mr. Irwin to act with the Gentlemen by you appointed for this purpose.

Ordered that the summons issue to Nash County Summoning Henry Hines and Ann Strichlin to appear and give Testimony against Mr. Bonds, relative to the charges exhibited against him.

Ordered that the enquiry into the charges against Mr. Bonds be further postponed until Monday, the 10th Day of December.

The House adjourned till To-morrow Morning 10 o'clock.

SATURDAY, 1 December, 1787.

The House met according to adjournment.

Mr. Edward Starkey one of the members for Onslow County, appeared, was qualified and took his seat.

Received from the Senate the Petition of Fanny McNeil and the Memorial of James Green Lee. Endorsed, In Senate, read & referred as by the House of Commons.

Received also the Petition of William Caps. Endorsed, read and referred to Mr. Crawford, Mr. McAllister & Mr. Warrington; and the Petition of Spyers Singleton read and referred to Mr. Person, Mr. Coor and Mr. Henly.

Received from the Senate the following Bills, vizt:

A Bill to improve the navigation of the North East Branch of Cape Fear, &c.;

A Bill to repeal the fourth section or clause of an Act passed at New Bern in the year 1784 entitled "an Act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough entitled an Act to regulate the descent of real Estates, &c. Endorsed, read the first time & passed.

Received also, a Bill to empower the Administrators of Samuel Swann, Esquire, deceased, late of New Hanover County, to sell & dispose of part of the real Estate of the said Samuel, &c.;

A Bill appointing Commissioners to repair the Court House, prison & Stocks in the Town of Hillsborough, &c.;

A Bill to charge the Estate of Honore Giroud, late of the Town of Halifax, with the payment of all his just debts, &c.;

A Bill for altering the times for holding the County Courts of Edgecombe, Halifax and Pitt;

A Bill for the accommodation of Post Riders;

A Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, &c.;

A Bill to repeal part of an Act passed at New Bern in the year 1785, entitled "an Act for destroying Wolves, &c.";

A Bill for establishing the places in the County of New Hanover for the purpose of holding General Musters, &c.;

A Bill to encourage the making of Salt in Davidson County;

A Bill to establish a port at the Town of Woodstock in the County of Hyde, &c.;

A Bill to enable William Nall sheriff of Wilkes County, to collect all the Taxes due from the said County for the year 1785 and the year 1786, &c. Endorsed, read the second time and passed.

And received also, a Bill for establishing a Town on the Land of Joseph Gibbs;

A Bill to ascertain the true courses of a Tract of Land on Neuse River, &c. Endorsed, read the third time & passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree that the Petition of Thomas Talbot be referred to the Committee appointed on the Petition of John Brevard, as by you proposed.

Mr. Cabarrus moved for leave and presented a Bill to repeal an Act passed at Fayetteville the 19th day of Novr., 1786, intituled "an Act for raising Troops for the protection of the inhabitants of Davidson County," which was read the first time, passed and sent to the Senate.

The Bill to prevent Horse Stealing, &c., was read the second time, amended, passed and sent to the Senate.

The Bill to require and direct the Treasurer to receive the Certificates therein mentioned for two thirds of the debts due by Bonds now filed in his office, for Confiscated Property heretofore sold, was read the first time and rejected.

Received from the Senate a Bill to restrain the fraudulent de-

preciation of the paper Currency of this State. Endorsed, read the first time and passed.

And a Bill for fixing the final settlement of unliquidated claims against this State and against the United States within this State. Endorsed, read the second time and passed.

The Bill to prevent Thefts & Robberies by Slaves, Free Negroes & Mulattoes, was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill for Electing Wardens of the Poor; and

A Bill to extend an Act passed at New Bern the 29th day of December, 1785, intitl'd "an Act to impower the County Wardens of the Poor for the Counties therein mentioned," &c. Endorsed, read the second time and passed.

Mr. Polk presented the Claim of William Shaw, which being read was rejected.

The Bill to appoint a Trustee in the room of James Sampson, Esquire, deceased, who, together with others was appointed a Trustee for the purposes therein mentioned by an Act passed at Fayetteville, 1787, intitl'd "an Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children;" was read the first time, passed and sent to the Senate.

The Bill to emancipate Joseph, a mulatto Slave, the property of the Estate of Agerton Willis late of Bladen, deceased, to confirm the said Joseph Willis and to invest certain property herein referred to in the said Joseph, by the name of Joseph Willis, was read the first time, passed and sent to the Senate.

The Bill to amend an Act entitled "an Act to encourage the building of Public Mills and directing the duty of Millers, passed at New Bern 1776; was read the first time, passed and sent to the Senate.

The Bill for altering the place of holding Courts in the County of Randolph, for erecting public buildings thereon & for appointing Commissioners, was read the second time and ordered to lie over until the next Assembly.

The Bill to encourage the draining of a Tract of Land in Tyrrel County, was read the second time, amended, passed and sent to the Senate.

The Bill to prevent the obstructing fish from running up the

streams and water courses in Bertie County and to clear the Navigation thereof, was read the second time, passed and sent to the Senate.

Mr. W. Hawkins presented the claim of Young Maclemore and James Ransom; which being read, was referred to Mr. Hawkins, Mr. Mebane and Mr. Phifer and sent to the Senate.

The Bill empowering the Court of Pitt to establish a free Ferry over Tar River at the Town of Greenville, and to levy a Tax on the Inhabitants of said County for that purpose, was read the second time, passed and sent to the Senate.

Received from the Senate a Bill to ascertain the Sheriff's fees within this State. Endorsed, read the first time and passed.

Received also, a Bill to amend an Act entitled "an Act to keep open Roanoke River, for the passage of fish up the same," &c.;

A Bill to repeal part of an act passed at Fayetteville, 1786, intitled "an Act to empower the several County Courts therein mentioned to lay a tax annually, not exceeding three years, for the purpose of erecting & repairing the Court House, Prison and Stocks in each County;

A Bill to remove all obstructions to the passage of Fish up the Neuse river. Endorsed, read the second time & passed.

The Bill to prevent litigious suits was read the second time, passed and sent to the Senate.

The Bill for altering the name of Jesse Hay to that of Jesse Spaight, the names of Robert Porthress & Benjamin Clevers Porthress to Robert Ransom and Benjamin Clevers Ransom, and of William Bonner to that of William Hunt, and also the name of William Barret to that of William Ashley was read the second time, passed and sent to the Senate.

The Bill to ascertain the Sheriff's fees within this State, was read the first time, passed and sent to the Senate.

The Bill to restrain the fraudulent depreciation of the paper Currency of the State, was read the first time and rejected.

On the question shall this Bill pass or not pass, the Yeas & Nays were required by Mr. Polk, which are as follows, vizt:

Yeas—Messrs. Wood, Nixon, Lanier, Grove, Creecy, Dickins, W. Baker, Polk, Phifer, Kindall, Thomas, Yates, Holmes, W. Taylor, Jones, Cabarrus, Campbell, Diggs, Ferebee, W. Hawkins, J. Baker,

Wynns, Brown of Bladen, Fuller, Thackston, Tatham, Spaight, Starkey—28.

Nays—Messrs. Copeland, Anderson, Jos. Stewart, Rhodes, Goudy, Montgomery, Bonds, Mebane, Everagin, Carson, Stanfield, Scott, Dodd, L. Spruill, B. Sanders, Franklin, Brown of Wilkes, Steele, J. Taylor, B. Spruill, Hill, Henderson, Marshall, Linley, Tyson, Yancey, McDowall, Jun., Bloodworth, Cain, Koen, Humphries, Jenkins, Dickson, Cains, Barnes, J. Sanders—36.

Ordered that Mr. Horn have leave to absent himself from the service of this House until Tuesday next, & Mr. McDowall until Monday.

Received from the Senate a Bill to repeal an Act passed at Fayetteville the 19th day of Novr., 1786, intituled “an Act for raising Troops for the Protection of the Inhabitants of Davidson County. Endorsed, read the first time and passed.

Received also, a Bill to provide for the making of gaps or slopes suitable for the free passage of fish over all dams of whatsoever kind erected across Deep river, & Tar river, the South fork of the Catawba river, the first, second and third Broad rivers, and the Rocky river of Pee Dee as far as White’s Ford. Endorsed, read the second time and passed.

The House adjourned till 4 o’clock.

Met according to adjournment.

Received from the Senate an additional Bill to an Act entitled “an Act to amend an Act intituled an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out Public roads,” &c. Endorsed, read the first time and passed.

Received also the following Bills, vizt:

A Bill to encourage the draining of Land in Tyrrell County;

A Bill to prevent Thefts & Robberies by Slaves, Free Negroes & Mulattoes;

A Bill to appoint Trustees in the room of James Sampson, Esquire, &c. Endorsed, read the second time and passed.

The Bill to establish a Port at the Town of Woodstock in the County of Hyde, on Pungo River, was read the second time and rejected.

The Bill for establishing a Town in the County of Hyde on the

Lands of Joseph Gibbs, was read the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill empowering the Court of Pitt County to establish a free Ferry over Tar river at the town of Greenville, &c., and a Bill to prevent the obstructing fish from running up the streams in Bertie County, &c. Endorsed, read the second time and passed.

The Bill to provide for the making of Gaps or Slopes suitable for the free passage of fish over all dams of whatsoever kind erected across Deep River and Tar River, the South Fork of the Catawba River, the first Broad river, as far as the North fork of the second Broad river, as far as the Tumbling Shoals of the third Broad river, the Rocky river of Pee Dee as far as White's Ford and Dan River; was read the third time, passed and sent to the Senate.

The Bill appointing Commissioners to repair the Court House, Prison and Stocks in the Town of Hillsborough for the District of Hillsborough, and to levy a Tax on the Inhabitants thereof for the benefit use and reparation of the Streets of the Town aforesaid; was read the third time, amended, passed and sent to the Senate.

The Bill to charge the Estate of Honore Giraud late of the Town of Halifax, deceased, with the payment of all his just debts and to prefer the same to the title acquired by this State on the property which was of the said Giraud, in consequence of his Self murder, was read the second time, passed & sent to the Senate.

The Bill to repeal part of an Act passed at New Bern in the year 1785, intituled "an Act for destroying Wolves, Panthers, Bears, Wild Cats, Crows and Squirrels in the several Counties therein mentioned," was read the third time, passed and sent to the Senate.

The House adjourned till Monday morning 10 o'clock.

MONDAY, 3 December, 1787.

The House met according to adjournment.

Mr. Peter Perkins one of the members for Rockingham County, appeared, was qualified and took his seat.

Mr. Bloodworth presented the Petition of Caleb Mason, setting forth that a number of Certificates were destroyed & praying relief, which being read was referred, on the part of this House, to Mr. Bloodworth, Mr. Fuller, Mr. Tatom, Mr. Harvey and Mr. Hawkins & sent to the Senate.

Received from the Senate a Bill for the better regulation of the Town of Fayetteville. Endorsed, read the second time and passed.

Received also, a Bill to charge the estate of Honore Giraud late of the Town of Halifax, deceased, with the payment of his just debts and to prefer the same to the title acquired by this State. Endorsed, read the third time and passed.

The Bill for promoting the navigation of Albemarle Sound, was read the second time, amended, passed and sent to the Senate.

Mr. Yancey presented the affidavit of Reben Searcy, purporting the loss of certain Certificates therein mentioned, which being read was referred to Mr. P. Hawkins, Mr. W. Hawkins & Mr. Yancey & sent to the Senate.

Received from the Senate a Bill for empowering Commissioners to sell the Palace and Public Lotts within the Town of New Bern in manner therein mentioned; and

A Bill to explain the Seventh Section of an Act passed at Fayetteville in January, 1786, intituled "an Act to amend an Act passed at New Bern, December, 1785, for increasing the Jurisdiction of County Courts, &c. Endorsed, read the first time and passed.

Mr. Nathan Bryan and Mr. William Randal the members for Jones County, appeared, were qualified and took their seats.

Received from the Senate a Bill to emancipate certain persons therein mentioned. Endorsed, read the second time and passed.

The Bill to declare and explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors within the different Counties to make their Surveys and return Plotts thereof to the Secretary's office, and more especially of an act passed at New Bern in the year 1785, intituled "an act to amend an act intituled an act for opening the land office and other purposes, and to give further time for the registration of the marriage contracts therein described," was read the Second time, amended, passed and sent to the Seate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We have added General Jones to the Committee appointed on Judge Ashe's Memorial, and Mr. Gallaway to the Committee of Finance and Public Bills.

Received from the Senate the Report of the Committee on the

Petition of Richard Reading, and the Report of the Petition of Jonathan Phelps & others. Endorsed, read & concurred with; the said reports being read were concurred with by this House and returned.

Received also, the Report on the Petition of John Beck, &c., and a resolution of the Senate in Consequence thereof; which being read were concurred with by this House & returned.

Received from the Senate a Bill for promoting the Navigation of Albemarle Sound. Endorsed, read the second time and passed.

Received also, the Petition of Caleb Mason. Endorsed, read and referred to Mr. Lane, Mr. Hill, Mr. Easton, Mr. Gallaway, Mr. Hargett & Mr. Abn. Jones.

Received from the Senate the Report of the Committee on the Petition of James English, Jeremiah Early & Co., and also a Resolution of the Senate in consequence thereof; which being read were rejected; whereupon,

Resolved, That David Miller, Esquire, Entry Taker of Lands in the County of Rutherford, be and he is hereby directed on application of James English, Jeremiah Early & Company owners of the Iron Works in said County, to issue a Warrant or Warrants to the Surveyor thereof for two thousand acres of vacant, unappropriated Land, which may be found most convenient to the said Iron Works, who is hereby commanded to lay off and survey the same and make return thereof to the Secretary's office, the said Company paying to the respective officers all fees accruing for their services in the progress of this business to its final completion; Provided, that if the said Iron Works shall not be finished and rendered completely fit for the making of Iron within two years and an half after the present Session of Assembly then the benefits allowed by this resolution to the said Company shall cease and the said Lands revert to the State.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We herewith send for your concurrence a Resolve of this House which we propose adopting in lieu of the one entered into by the Senate allowing James English, Jeremiah Early & Company certain privileges therein mentioned.

The Bill to emancipate certain persons therein mentioned, was read the second time, amended, passed & sent to the Senate.

Received from the Senate the Memorial of Francis Child. Endorsed, read & referred to the Committee on Finance; which being read was referred as by the Senate and returned.

The Bill for empowering Commissioners to sell the Palace and Public Lotts within the Town of New Bern in manner therein mentioned, was read the first time, passed and sent to the Senate.

The Bill to explain the Seventh Section of an Act passed at Fayetteville in January, 1786, intituled "an Act to amend an Act passed at New Bern, December, 1785, for increasing the Jurisdiction of County Courts of Pleas and Quarter Sessions, and of Justices of the Peace out of Court, and to direct the time of holding Courts in this State, was read the first time, passed and sent to the Senate.

The Bill to repeal the fourth Section or clause of an Act passed at New Bern in the year 1784, entitled "an Act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough, entitled an Act to regulate the descent of real Estates, to do away entails, to make provision for Widows, and to prevent frauds in the execution of last Wills and Testaments, and for directing how deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated & perpetuated; was read the first time, passed and sent to the Senate.

The Bill to ascertain the true courses of a Tract of Land on Neuse River in Craven County, was read the third time, passed and ordered to be Engrossed.

The Bill to incourage the making of Salt in Davidson County, was read the third time, amended, passed and ordered to be Engrossed.

Received from the Senate the resignation of Allen Jones, Esquire, as Brigadier General of the Militia of the District of Halifax. Endorsed, read and accepted; which being read was accepted by this House and returned.

Received from the Senate the report of the Committee on the Petition of Field Officers of Davidson County. Endorsed, read & concurred with; the said report being read was concurred with by this House and returned.

Received from the Senate the Resolve of this House directing David Miller, Entry Taker, &c., on the application of James English, Jeremiah Early & Co., to grant a warrant or warrants for two thousand Acres of Land. Endorsed, read & concurred with.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We have appointed Mr. Macon & Mr. Skinner who, together with such Gentlemen of the House of Commons as may be made choice of, will examine the Engrossed Bills.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have on our part appointed Mr. Polk and Mr. Steele to assist in examining the Engrossed Bills.

The Bill to amend and regulate the Law for the inspection of Tobacco in this State, was read the Second time, amended, passed and sent to the Senate.

The Bill to effect the cutting and clearing a Road from the lower end of Clinch Mountain to the Cumberland settlements, and for preserving Peace and guaranteeing safety to the Inhabitants thereof, was read the first time, passed and sent to the Senate.

Mr. P. Hawkins moved for leave and presented a Bill for the more speedy determining disputes that have arisen or may hereafter arise from erecting Mill Dams in the several Counties in this State; which was read the first time, passed and sent to the Senate.

The Bill to empower the administrators of Samuel Swann late of New Hanover County, Esquire, deceased, to sell and dispose of part of the real estate of the said Samuel for the payment of his Debts, in order to make the better provision for his Family, and also to make Conveyances for such part of the real Estate as was sold by the said Samuel in his lifetime; was read the third time, passed and sent to the Senate.

The Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a Tax to defray the expense thereof, and to change the name of Newton in said County to that of Wadesborough, was read the third time, amended, passed and sent to the Senate.

The Bill for establishing two places in the County of New Hanover for the purpose of holding General Musters therein, for dividing the Militia of said County into two districts suitable and convenient for the inhabitants to attend Muster at the respective places and for appointing the place of holding Courts Martial in said County, was read the third time, amended, passed and sent to the Senate.

The Bill empowering the Court of Pitt County to establish a free Ferry over Tar River at the town of Greenville, and to levy a Tax on the Inhabitants of said County for that purpose, was read the third time, passed & sent to the Senate.

The Bill for electing the Wardens of the Poor, was read the second time, passed and sent to the Senate.

The Bill directing the Clerks of the Several Courts of Record within this State as to their duty in office, with respect to the issuing of writs, was read the second time, amended, passed & sent to the Senate.

The House adjourned till Tomorrow morning 10 o'clock.

TUESDAY, 4 December, 1787.

The House met according to adjournment.

Mr. Steele presented the resignation of John Collier and James Dougan two of the Justices of the Peace for Randolph County, which being read, was accepted by this House and sent to the Senate.

Mr. Perkins presented a Petition from sundry of the Inhabitants of Randolph County, & sundry other papers purporting a charge against Traverse Harper one of the Justices of the Peace for the said County; which being read was referred to Mr. N. Bryan, Mr. Gardner & Mr. Perkins, on the part of this House, and sent to the Senate.

Mr. William R. Davie the member for the Town of Halifax, appeared, was qualified and took his seat.

Mr. Creech presented the Petition of Thomas Benbury, Esquire, Collector of Port Roanoke, which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

The Bill to enable William Nall, Sheriff of Wilkes County, to collect all the Taxes due from said County for the year 1785 and the year 1786, and to allow him further time to settle for his collections with the Treasurer, was read the second time, amended, passed and sent to the Senate.

The Bill to extend three acts passed at New Bern the twenty-ninth Day of December, 1785, intitled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned to build houses in their respective Counties for the reception of the Poor and other purposes, to the several Counties therein mentioned;" was read the second time, amended, passed and sent to the Senate.

The Bill to encourage the draining a Tract of Land in Tyrrel County, was read the third time, passed and sent to the Senate.

Received from the Senate a Bill to empower the Honble. the Continental Congress, to regulate the trade and Commerce of this State and to levy and collect duties within the same for the purpose therein mentioned. Endorsed, read the first time and passed.

Received also, a Bill to amend an Act passed at Fayetteville in January, 1786, intituled "an Act to amend an Act passed at New Bern December, 1785, for increasing the Jurisdiction of County Courts, &c.; and

A Bill to repeal the fourth Section of an Act passed at New Bern in the year 1784, intituled "an Act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough, intituled an Act to regulate the descent of real Estate, &c." Endorsed, read the Second time and passed .

The Bill for fixing the final settlement of unliquidated Claims against this State and against the United States within this State, was read the second time, amended, passed and sent to the Senate.

The Bill to prevent Thefts & Robberies by Slaves, Free Negroes & Mulattoes, was read the third time, amended, passed and sent to the Senate.

The Bill to restore to Hugh Ross of Anson County, his Land, was read the third time, amended, passed and sent to the Senate.

The Bill for levying a further Tax in the several Counties in the District of Morgan to defray the remaining expense accrued for the Public Buildings in the said District, and also to levy a further Tax on the County of Mecklenburg to defray the expense of the Public Buildings in the said County, was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill to empower the County Court of Pleas and Quarter Sessions in the County of Perquimans, to lay a Tax for the purpose of repairing the Prison & building a Gaolers House in the County aforesaid. Endorsed, read the first time and passed.

The Bill to empower the Honble. the Continental Congress to regulate the Trade and Commerce of this State, and to levy and collect duties within the same for the purpose therein mentioned, was read the first time, passed and sent to the Senate.

Received from the Senate the Claim of Robert White Sheriff of Dobbs County. Endorsed, read and referred to the Committee of Claims; which being read was referred as by the Senate, and returned.

The Bill to repeal an Act passed at Fayetteville the 19th day of November, 1786, intituled "an Act for raising Troops for the Protection of Davidson County," was read the second time, passed and sent to the Senate.

The Bill to improve the Navigation of the North East branch of Cape Fear river, the North East Swamp and Goshen Swamp in Duplin County, was read the second time, passed and sent to the Senate.

The Bill to remove all obstructions to the passage of Fish up the Neuse river, was read the third time, amended, passed and sent to the Senate.

Ordered that Mr. Davie be added to the Committee on Finance, and the Committee appointed to report such Bills of a Public nature as are necessary to be passed into Laws this Session.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have added Mr. Davie to the Committee on Finance and the Committee appointed to report such Bills of a public nature as are necessary to be passed into Laws this Session.

The Bill for the more easy recovery of rents and to prevent tenants from committing frauds, was read the second time, passed and sent to the Senate.

The Bill to repeal part of an Act passed at Fayetteville, 1784, intituled "an Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years for the purpose of erecting or repairing the Court House, Prison and Stocks in each County, when necessary, and for defraying the Contingent charges of the Counties, was read the second time, passed and sent to the Senate.

The Bill to amend an Act entitled "an Act to keep open Roanoke River for the passage of fish up the same, and for other purposes therein mentioned, was read the second time, passed and sent to the Senate.

The Bill to appoint a Trustee in the room of James Sampson,

Esquire, deceased, who, together with others was appointed as trustee for the purpose therein mentioned, by an Act passed at Fayetteville, 1787, intituled "An Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children," was read the second time, passed and sent to the Senate.

The Bill for the accommodation of Post Riders, and to amend an Act entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out Public Roads, and to establish and settle Ferries, and to appoint where bridges shall be built, and to clear inland rivers and Creeks, passed at New Bern the 22d day of October, 1784, was read the third time, amended, passed and sent to the Senate.

Received from the Senate a Bill empowering Commissioners to make Sale of the Palace and Public Lotts within the Town of New Bern in manner therein mentioned. Endorsed, read the second time, amended and passed.

The Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina, was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Resolution of that House directing the Treasurer to settle the Account of James Green Lee, late Coroner & Sheriff of Burke County according to the several duplicates furnished him by the Clerk, allowing him a credit for the Dollar Bills at their nominal value in the discharge of the Tax for the years 1780 & 1781, &c.; which being read was concurred with by this House and returned.

The Bill to empower the County Courts of Pleas and Quarter Sessions in the County of Perquimans to lay a Tax for the purpose of repairing the prison and building a Gaoler's House in the County aforesaid, was read the first time, passed and sent to the Senate.

Mr. Tatham moved for leave and presented a Bill to encourage the Citizens of this State and others, to promote and improve the several Arts, Sciences and Manufactures within the limits of the same; which was read the first time, passed and sent to the Senate.

The Bill to repeal the fourth Section of an Act passed at New Bern in the year 1784, entitled "an act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough, entitled an Act to regulate the descent of real Estates, to do away entails,

to make provision for Widows, and to prevent Frauds in the Execution of last Wills and Testaments, and for directing how deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated & perpetuated," was read the second time, passed and sent to the Senate.

The Bill to prevent the obstructing fish from running up the Streams and Water Courses in Bertie County, and to clear the navigation thereof, was read the third time, passed and sent to the Senate.

Resolved, That no Bill of a public nature shall be read for the second or third time without at least one day's previous notice.

The Bill to amend an Act passed at Fayetteville in January, 1787, entitled "an Act to amend an Act passed at New Bern December, 1785, for increasing the Jurisdiction of County Courts of Pleas and Quarter Sessions, and of Justices of the Peace out of Court, and to direct the time of holding Courts in this State," was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill to impower County Courts to proceed in certain Cases as therein directed. Endorsed, read the first time and passed; and

A Bill for altering the names of certain persons therein mentioned. Endorsed, read the second time, amended & passed.

Received from the Senate the resignation of John Collier and James Dougan. Endorsed, read and accepted.

The Bill for promoting the Navigation of Albemarle Sound, was read the third time, passed and sent to the Senate.

Received from the Senate the Petition of Thomas Benbury, Esquire, Collector, &c. Endorsed, read & referred as by the Commons.

The Honble. the Speaker, laid before the House a Letter from William Blount, Esq., inclosing a Resolution of Congress of the 26th October last, relative to the Indian affairs; which being read was sent to the Senate.

Mr. Lewis Dupree & Mr. Jacob Leonard the members for Brunswick County, appeared, were qualified and took their seats.

The Bill to impower the County Courts to proceed in Certain Cases as therein directed, was read the first time, passed & sent to the Senate.

The Bill for altering the names of certain persons therein men-

tioned, was read the third time, amended, passed & sent to the Senate.

Mr. Wyatt Hawkins, from the Committee to whom was referred the affidavit of Reuben Searcey, Reported,

That on or about the last day of May in the year 1785, the said Searcey lost a small Pocket Book and therein Certificates issued by Messrs. Jones, McCulloch & Montfort, Commissioners of Army Accounts, to the amount of three hundred and one pounds nineteen Shillings and eight pence, to-wit: One in the name of Jephtha Parker, No. 9, for Eighty-eight pounds ten Shillings; one in the name of Asa Searcey, No. 66, for fifteen Pounds six shillings and Six Pence; and one in the name of Richard Donaldson Cooke, No. 460, for one Hundred and Ninety-eight Pounds three shillings and two pence.

Your Committee from the aforesaid affidavit, together with a Certificate from Mr. Hunt, late Treasurer, herewith presented, being convinced the said Certificates are destroyed, are of opinion that the said Reuben Searcey be allowed the said sum of three hundred and one pounds, nine shillings and Eight pence, wherefore,

Resolved, That the Comptroller issue Certificates to be of equal value to those lost in lieu thereof, in the names of the aforesaid Parker, Searcey and Cooke, bearing the same numbers and amount, the reissuing whereof shall be noted in the Check book.

WYATT HAWKINS, Chairman.

The House taking this report into consideration concurred therewith.

Received from the Senate the following Report of the Committee of Petitions and Memorials Concurred with by the Senate and House of Commons the last Session of Assembly, vizt.:

The Committee of Petitions and Memorials to whom was referred the Petition of William Ashley, William Ship and James Dial, Report, that they find that the said Petitioners have become liable to pay the Sum of Twenty-five Pounds each for forfeiting their recognizance entered into for the appearance of a Nicholas Martin at the Superior Court of Hillsborough District.

That the said William Ashley hath already paid that sum, with cost on the same; and as it is made appear to your Committee that

the said Nicholas Martin was killed during the sitting of the Superior Court aforesaid, they are of opinion that the said forfeitures be fully remitted together with the Cost that have been charged thereon.

JOHN TIPTON, Chn.

Received also, at the same time the following Resolution of the Senate, endorsed on the back of the report, vizt. :

Resolved, That the Public Treasurer pay unto William Ashley the within mentioned sum of Twenty-five Pounds, for which he shall be allowed.

The House taking this Resolution into Consideration Concurred therewith.

The House adjourned till Tomorrow Morning 10 o'clock.

WEDNESDAY, 5 December, 1787.

The House met according to adjournment.

Mr. John Cox one of the Members for Moore County, appeared, was qualified and took his seat.

Mr. Spaight presented the Petition of Walter Allen, setting forth that he had lost certain Certificates & praying relief, which being read was referred to the Committee appointed on the affidavit of Reuben Searcey & sent to the Senate.

Mr. Stewart presented the recommendation of the County Court of Chatham in favor of John Windrick, which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Received from the Senate a Bill to encourage the Citizens of this State and others, to promote and improve the several Arts, Sciences and Manufactories within the limits of the same. Endorsed, read the first time and passed.

Received also, a Bill to emancipate certain persons therein mentioned; and

A Bill to appoint a Trustee in the room of James Sampson, Esquire, &c. Endorsed, read the third time & passed.

Received from the Senate the following Messages:

Mr. Speaker & Gentlemen:

We propose that the Committee of Finance and Public Bills be

consolidated, as the whole of the Gentlemen who act on the one are members of the other.

Mr. Speaker & Gentlemen:

It is the sense of this House that no Bill be received by either House after Monday next, should this be your opinion you will give us information thereof.

Mr. Speaker & Gentlemen:

We propose that the representation of Thomas Benbury, Esquire, be referred to the Consideration of a joint Committee in lieu of the Committee of Propositions & Grievances. We have for this purpose on our part, appointed Mr. Coor, Mr. Gallaway, Mr. Skinner & Mr. Mitchell.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have received your Message proposing that no Bills of whatsoever nature be received by either House after Monday next, with which we have concurred. We have also concurred with your proposal for uniting the Committees of Finance and on Public Bills.

Your proposition with respect to the representation of Thomas Benbury, Esquire, we have also concurred with, and have on our part, appointed Mr. Horn, Mr. Mebane, Mr. Franklin, Mr. Cabarus and Mr. Spaight, a Committee who will act with the Gentlemen by you nominated to consider of the said representation.

Resolved, That pursuant to the Report of the joint Committee, to whom was referred the Petition of the Field Officers of Davidson County, which report hath been concurred with by both Houses of the General Assembly, the Public Treasurer be and he is hereby required to pay unto Anthony Bledsoe, James Robertson, Isaac Bledsoe and Samuel Barton jointly, or to either of them in behalf of the whole, the sum of Three Hundred and Seventy-Six Pounds Current Money for which he shall be allowed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

Agreeable to the resolution of the two Houses of the General Assembly of the 21st of November, this day was set apart for taking under Consideration the Federal Constitution; we therefore propose

that the two Houses meet in Conference on this business in the Commons room immediately.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree that the two Houses adjourn into Conference in order to take up the Consideration of the Federal Constitution as by you proposed.

The foregoing being read the Senate and House of Commons convened in the Conference room, whereupon, on motion of Mr. Spaight

Resolved, That the two Houses form themselves into a Committee of the whole to take under consideration the proposed Federal Constitution. The two Houses accordingly formed themselves into a Committee of the whole and chose Mr. Battle Chairman; whereupon the proposed Federal Constitution was read and debated, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had come to several resolutions on the Subject to them referred, which he should first report to the Senate.

The House taking this Report into Consideration Concurred therewith.

The House adjourned till To-morrow Morning 10 O'clock.

THURSDAY, 6 December, 1787.

The House met according to adjournment.

Mr. Howall Lewis one of the members for Granville County, appeared, was qualified and took his seat.

Mr. Singleton presented the Claim of Thomas Stockton, which being read was referred to the Committee of Claims, and sent to the Senate.

Resolved, That the Committee of Claims be authorized to allow all such Claims as may be introduced to them for allowance; provided the Claimant may be entitled to draw Money of the Public Treasury in consequence of such Claim, and the same may appear to be just.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to settle and liquidate such Claims appearing to them to be just, and have for this purpose appointed one member of this House from each dis-

trict, to-wit: Mr. Lewis, Mr. Tatham, Mr. McDowall, Jun., Mr. Dawson, Mr. Copeland, Mr. Gardner, Mr. Whitfield.

Mr. W. Baker presented the resignation of Isaac Pipkin, one of the Justices of the Peace for Gates County; which being read was accepted of by this House and sent to the Senate.

Mr. Hawkins moved for leave and presented a Bill for fixing the residence of the officers of Government, and the place for the meeting of the future General Assembly; which was read the first time, passed and sent to the Senate.

The Bill to emancipate certain persons therein mentioned, was read the third time, passed and ordered to be engrossed.

Mr. Williams presented the Memorial of John Simpson, which being read was referred to the Committee appointed on the affidavit of Reuben Searcey, & sent to the Senate.

The Bill to appoint a Trustee in the room of James Sampson, Esquire, deceased, who, together with others, was appointed a Trustee for the purposes therein mentioned by an Act passed at Fayetteville 1787, intituled "an Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children; was read the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill for hiring out Persons convicted on an indictment or presentment and not being able or willing to pay the fine and fees of office. Endorsed, In Senate, read the first time & passed.

Received also, A Bill to restore to Hugh Ross of Anson County, his Land, and a Bill for levying a further Tax in the several Counties in the District of Morgan to defray the remaining expense accrued for the public buildings in said District, and also to levy a further Tax in the County of Mecklenburg to defray the expence of the public buildings in the said County. Endorsed, read the second time & passed.

And received also a Bill to repeal the fourth Section of an Act passed at New Bern in the year 1784, entitled "an Act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough, intituled an Act to regulate the descent of real Estates, to do away entails, to make provision for Widows, and to prevent frauds in the execution of last Wills and Testaments, and for direct-

ing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated and perpetuated." Endorsed, read the third time and passed.

Received from the Senate the following Resolutions entered into on yesterday by the Senate & House of Commons in Conference, Concurred with by that House, vizt:

Whereas, The General Convention lately held in the City of Philadelphia have agree upon a Constitution for the future Government of the United States; and Whereas, Congress have unanimously resolved that the said Constitution be transmitted to the several Legislatures in order to be submitted to a Convention of Delegates chosen in each State by the people thereof,

Resolved, That it be recommended to such of the inhabitants of this State as are entitled to vote for representatives of the House of Commons to meet in their respective Counties on the last Friday and Saturday in March next at the several places fixed by Law for holding the annual Elections, and Elect five Suitable Persons to serve as Delegates from each County, and one Person from each Borough Town, in a State Convention for the purpose of deliberating and determining on the said Constitution, and that such Election shall be conducted agreeably to the mode, and conformably to the rules and regulations prescribed by Law for conducting the Elections of Members of the General Assembly, and any citizen within this State being a free holder shall be eligible to a seat in the Convention.

Resolved, That any person living in any one of the Borough Towns in this State and having a free hold therein shall have a right to vote for Members to represent the County in which such Town shall be.

Resolved, That the persons so elected to serve in the State Convention do assemble and meet together on the third Monday of July next, at a place to be appointed by joint Ballot of both Houses of the General Assembly, then and there to take into consideration the aforesaid Constitution, and if approved of by them, to confirm and ratify the same in behalf and on the part of this State and make report thereof to the United States in Congress assembled, agreeably to the resolution annexed to the said Constitution.

Resolved, That the Sheriffs in the several Counties within this State give as early notice as may be, to the People in their respective

Counties and Borough Towns, of the time, place and purpose of holding said Election.

Resolved, That three hundred Copies of these Resolutions and fifteen hundred copies of the Federal Constitution be immediately printed and dispersed by the Members of the General Assembly among their respective Constituents, and that the Executive transmit a Copy of them to Congress and to the Legislatures and Executives of the several States.

ELISHA BATTLE, Chairman.

The House taking these Resolutions into Consideration Concurred therewith.

Resolved, That it be recommended to the People of this State to authorize and direct their representatives to be elected for the purpose of deliberating on the Federal Constitution, to fix on the place for holding the future meetings of the General Assembly and the place of residence of the Chief officers of the State, which, when fixed, shall be considered the unalterable seat of Government for this State.

Resolved, That the Public Printer be directed, by an express to be sent to him by the Speakers of the two Houses, to print and transmit to the General Assembly on or before the fourteenth instant, three Hundred Copies of the Resolution of the General Assembly on the subject of the Federal Constitution and fifteen hundred Copies of the said Constitution, to be dispersed by the Members amongst their Constituents as in the said Resolutions is directed, and that a Copy of the said Resolutions be conveyed to him by the Clerks of the two Houses, authenticated by the Signatures of the Speakers.

The Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina, was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill for the more regular collecting and accounting for the Revenue of this State, for allowing the Public Treasurer a Clerk, and for the Collection of arrearages.

A Bill to erect and establish a Town in Rutherford County on the Land already procured by the Commissioners for the purpose of building a Court House, Prison and Stocks for the said County,

and to regulate the Town of Salisbury. Endorsed, read the first time and passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly ballot at 4 o'clock this afternoon for the place at which the State Convention shall be held. We nominate for this purpose the Towns of Hillsborough, Tarborough, New Bern and Fayetteville. We also propose that the place at which the next Assembly shall be held be made choice of at the same time, and a Brigadier General for the District of Halifax; we nominate the Towns of Tarborough, New Bern and Fayetteville for holding the next Assembly at, and Thomas Eaton, Esquire, for Brigadier General.

Should these Propositions meet your approbation, Mr. Gallaway & Mr. Macon will superintend the balloting on the part of this House. We also propose that the Ballots be taken in the respective Houses.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have received your Message proposing to ballot at 4 o'clock this evening for the places of holding the next Assembly and the Convention, &c. We agree to all the proposals therein except that of balloting for a Brigadier General for the District of Halifax. We have added to the nomination for the place for holding the Convention, the Town of Halifax; for the Assembly the Towns of Hillsborough and Salisbury. Should you think proper to ballot for these places without balloting for a Brigadier General, we will go into that business at 4 O'clock this Evening, as by you proposed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree to ballot agreeable to your last Message and are now ready to enter on that business.

Ordered that Mr. Bonds have leave to absent himself from the service of this House until Monday next.

Ordered that Mr. Cabarrus and Mr. Franklin be appointed, on the part of this House, to conduct the balloting.

Mr. Cabarrus, from the joint Balloting for the place at which the Convention and the next General Assembly shall be held, Reported that the Convention was to be held at Hillsborough; that no place

in nomination for holding the next Assembly at has a Majority of votes.

The House taking this Report into consideration concurred therewith.

The House adjourned till Tomorrow Morning 10 O'clock.

FRIDAY, 7 December, 1787.

The House met according to adjournment.

Received from the Senate the Resolve of this House recommending to the people of this State to authorize their representatives in the Convention to be held at Hillsborough to deliberate on the Federal Constitution, to fix on a place for the future meetings of the General Assembly, &c. Endorsed, read & concurred with.

Received from the Senate a Bill to improve the Navigation of the North East branch of Cape Fear River, the North East Swamp and Goshen Swamp in Duplin County. Endorsed, read the second time and passed.

Received from the Senate the recommendation of the County Court of Chatham in favour of John Kindrick, & the Memorial of John Simpson. Endorsed, read and referred as by the House of Commons.

Received from the Senate the Resolve of this House, for authorizing the Committee of Claims to allow such Claims as will intitle the owners thereof to draw Money out of the Public Treasury; and the Resolve in Consequence of the Report of the Committee on the Memorial of the Field Officers of Davidson County, directing the Treasurer to pay unto Anthony Bledsoe, James Robertson, Isaac Bledsoe and Samuel Burton, jointly, or to either of them, in behalf of the whole sum of three hundred and Seventy Six Pounds, Concurred with.

Received from the Senate the resignation of Isaac Pipkin as one of the Justices of Gates County. Endorsed, read and excepted.

Received from the Senate the report of the Committee on the Memorial of Patrick Cleary. Endorsed, In Senate, read and concurred with; which being read was concurred with by this House and returned.

The Bill to amend an Act entitled "an Act to remove all disabil-

ities from Simon Cleary and others therein named," was read the first time, passed and sent to the Senate.

Mr. Cabarrus presented the Memorial of John Mace, which being read was referred to the Committee of Claims, and sent to the Senate.

Mr. Davie moved for leave and presented a Bill to carry into further effect an Act entitled "an Act for opening the land office, for the redemption of Specie and other Certificates, and discharging the arrears due to the Army," which was read the first time, passed and sent to the Senate.

Mr. Davie presented the Petition of Henry Hill and Thomas Fitts which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Mr. Steele presented the Petition of Margaret Balfour of Randolph County, praying, &c., which being read was referred to the Committee appointed on the Memorial of William Alexander, and sent to the Senate.

Received from the Senate the Petition of Winston Caswell and William White, executors of William Caswell, deceased. Endorsed, In Senate, read and referred to the Committee on the Petition in favour of Caleb Mason; which being read was referred as by the Senate, and returned.

Mr. Tatham moved for leave and presented a Bill to repeal so much of an Act entitled "an Act for building a Prison & Stocks in the County of Franklin," as relates to the imprisonment of Criminals and others in the district Gaol, which was read the first time, passed and sent to the Senate.

Received from the Senate the Claim of James Vinson & Samuel Lockhart. Endorsed, In Senate, read & referred to the Committee of Claims; which being read were referred as by the Senate, and returned.

Mr. Dupree moved for leave and presented a Bill for levying a Tax in the County of Brunswick for the purpose of building a Gaol therein, which was read the first time, passed & sent to the Senate.

Received from the Senate the following reports. Endorsed, In Senate, read and Concurred with; vizt:

A Report of the Committee of Propositions & Grievances on the Memorial of John Kingsbury;

A Report on the Petition of Fanny McNeil; and

A Report on the Petition of Jonathan Hooker; which being read were severally concurred with and returned.

Received from the Senate a Resolve of that House for Suspending from exercise of the office of a Justice of the Peace, Travis Harper of Chatham County, which being read was concurred with and returned.

The Bill for the better regulation of the Town of Fayetteville, was read the third time, passed & sent to the Senate.

Received from the Senate a Bill to empower the Court of Pleas and Quarter Sessions in the County of Perquimans, to lay a Tax for the purpose of repairing the Prison & building a Gaoler's House in the County aforesaid. Endorsed, read the first time, and passed.

Received also, A Bill to repeal two Acts of the General Assembly of this State, one passed at New Bern in 1784 intituled "an Act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described;" the other passed at New Bern in the year 1785 entitled "an Act to amend an Act passed at New Bern in the year 1784 entitled an Act to amend an Act intituled an Act to describe and ascertain such persons who owe allegiance to this State," &c. Endorsed, read the second time & passed.

The Bill for the more regular collecting and accounting for the Revenue of this State, for allowing the public Treasurer a Clerk, and for the Collection of Arrearages, was read the first time, passed and sent to the Senate.

Received from the Senate the Petition of Sundry inhabitants of Rowan County. Endorsed, In Senate, read & referred to the Committee on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

The Bill to repeal the fourth Section of an Act passed at New Bern in the year 1784 intituled "an Act to amend and supply the deficiencies of an Act passed last Assembly at Hillsborough, entitled an Act to regulate the descent of real estate, to do away entails, to make provision for widows and to prevent fraud in the Execution of last Wills and Testaments, and for directing how deeds of Gifts and Bills of sales of Slaves shall be executed, authenticated and perpetuated," was read the third time, passed and ordered to be Engrossed.

The Bill to encourage the Citizens of this State and others to promote and improve the several Arts, Sciences and Manufactories within the limits of the same, was read the second time & rejected.

The Bill to repeal two acts of the General Assembly of this State, one passed at New Bern in 1784 intituled "an Act to describe and ascertain such persons who owe allegiance eto this State, and to impose certain disqualifications on certain persons therein described," the other passed at New Bern in the year 1785 intituled "an Act to amend an Act passed at New Bern in the year 1784, intituled an Act to amend an Act Intituled an Act to describe and ascertain such persons who owe allegiance to this State and to impose certain disqualifications on certain persons therein described," wts read the Second time and rejected.

Received from the Senate a Bill to repeal an Act passed at New Bern in the year 1784, intituled "an Act to repeal an Act of the late General Assembly intituled an Act ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Delegates from this State in Congress to execute a Deed or Deeds for the same." Endorsed, read the first time and passed.

The Bill to restore to Hugh Ross of Anson County, his Land, was read the third time, passed and sent to the Senate.

Received from the Senate the Petition of Pleasant Henderson, and the Account of William Bryant Sheriff of Bertie. Endorsed, read and referred to the Committee of Claims; which being read were referred as by the Senate and returned.

Received from the Senate the Memorial of John Willis of Robeson County. Endorsed, In Senate, read & referred to the Committee on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

The Bill to repeal an Act passed at New Bern in the year 1784, intituled "an Act to repeal an Act of the last General Assembly intituled an Act ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Delegates from this State in Congress to execute a Deed or Deeds for the Same," was read the first time and rejected.

Mr. Grove presented the resignation of Thomas Armstrong as

Lieutenant Colonel of Cumberland County, which being read was accepted by this House, and sent to the Senate.

Mr. Cabarrus exhibited the presentment of the Grand Jury of the late Superior Court held for the District of Edenton, expressive of other sentiments on the now proposed Federal Government.

Ordered that the said presentment lie on the Table.

The House adjourned till To-morrow morning 10 o'clock.

SATURDAY, 8 December, 1787.

The House met according to adjournment.

Received from the Senate the Memorial of John Mair, and the Petition of Margaret Balfour. Endorsed, read and referred as by the House of Commons.

Mr. Cabarrus presented the Petition of Thomas Vail, &c., which being read was referred to the Committee appointed on the Memorial of Judge Ashe, and sent to the Senate.

Received from the Senate a Bill to amend an act intituled "an Act to keep open Roanoke river for the passage of fish up the same, and other purposes therein mentioned;" and

A Bill to prevent frauds committed by the Swapping of Horses, Endorsed, read the second time and passed.

Received also, a Bill for fixing the final settlement of unliquidated claims against this State and against the United States within this State. Endorsed, read the third time and passed.

Mr. Mebane presented the Petition of Nicholas Gibbs and sundry other persons whose names are thereunto subscribed, praying, &c.; which being read was referred to Mr. McDowall, Mr. Oliver and Mr. Phifer on the part of this House, and sent to the Senate.

Received from the Senate a Bill to enable the County Courts to appoint Commissioners to keep open rivers and Creeks at their several falls, so far as they think necessary for the passage of fish up the same; and

A Bill to establish an Inspection of Tobacco at Murfreesborough. Endorsed, read the first time and passed.

Received from the Senate the Report of the Committee on the Memorial of Matthew McClure. Endorsed, read and Concurred with; which being read was Concurred with by this House, and returned.

The Bill to erect a District Court of Law and Equity at Fayetteville, was read the third time, amended, passed and sent to the Senate.

Mr. Polk presented the Petition of Samuel Knox, setting forth that he lost certain Certificates therein mentioned and praying relief; which being read was referred to the Committee on the Petition of Reuben Searcey, and sent to the Senate.

Mr. Tatham presented the Petition of Richard Goode Sheriff of Surry County, praying , &c.; which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Mr. Davie presented the Memorial of Richard Dobbs Spaight, Esquire, setting forth that part of the Ground on which the Palace and other public buildings in the Town of New Bern was built by order of the General Assembly in the year 1767, was taken from him without the consent of him, the said Richard Dobbs Spaight, or his Guardian, and for which a Consideration was paid to the said Guardian far inadequate to the value of the Ground so taken, praying relief; which being read was referred to Mr. McDowall, Mr. Steele and Mr. Lewis, who are to withdraw for amendment the Bill for empowering Commissioners to make sale of the Palace, &c., and report their opinion on the Memorial and Bill.

The Bill declaring the Treaty of Peace between the United States of America and the King of Great Britain to be the Law of the Land, was read the second time, amended, passed and sent to the Senate.

Received from the Senate a Bill for amending an Act intituled "an Act for establishing Courts of Law and for regulating the proceedings therein;" and another Act intituled "an Act for giving an Equity Jurisdiction to the Superior Courts." Endorsed, In Senate, read the first time & passed.

Mr. Tatham proposed that the House should enter into sundry resolutions, which he delivered in at the Table where they were read and debated; and on the question to agree to the proposed Resolutions it was negatived, whereupon Mr. Tatham moved for leave to enter his dissent against the vote of the House. Ordered that he have leave accordingly.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We propose that the Petitions herewith sent you from sundry of the Inhabitants of the Western parts of this State be referred to the Committee appointed to report what Bills are necessary to be passed at the present Assembly.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We agree to your proposition with respect to the referring of the Petition of the Inhabitants of the Western Parts of this State to the Committee on Public Bills.

Received from the Senate a Bill for levying a tax for the support of Government and for the redemption of the old Paper Currency, Continental Money and Specie and other Certificates. Endorsed, read the first time and passed.

Received also, a Bill to impower County Courts to proceed in certain Cases as therein directed. Endorsed, read the second time and passed.

Received from the Senate the Petition of Thomas Vail. Endorsed read and referred as by the House of Commons.

Received also, the resignation of Thomas Armstrong as Lieutenant Colonel of Cumberland County. Endorsed, read and accepted.

Resolved, That the Chairman and six members of the Committee of Claims be a quorum to proceed to business.

The Bill for amending an Act intituled "an Act for establishing Courts of Law, and for regulating the proceedings therein;" and another Act intituled "an Act for giving an Equity Jurisdiction to the Superior Courts," was read the first time, passed and sent to the Senate.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to prepare and introduce a Bill directing the mode of trying impeachments. We have for this purpose on our part, appointed Mr. Bloodworth, Mr. Tatham, Mr. Spaight, Mr. Mebane and Mr. Gowdy.

The Bill for laying a tax for the Support of Government, and for the redemption of the old paper Currency, Continental Money

and Specie & other Certificates, was read the first time, passed & sent to the Senate.

The Bill to prevent frauds committed by the swapping of Horses, was read the second time and rejected.

The Bill for levying a further Tax in the several Counties in the District of Morgan, to defray the remaining expense accrued for the Public Buildings in said District, and also to levy a further Tax in the County of Mecklenburg to defray the expense of the Public Buildings in said County, was read the third time, passed and sent to the Senate.

Received from the Senate the Report of the Committee on the Memorial of Caleb Mason. Endorsed, read and Concurred with; which being read was concurred with and returned.

Received also, a Résolution of the Senate entered into in Consequence of the above report, allowing him for certain Certificates which were destroyed in his possession; which being read was Concurred with and returned.

Received from the Senate a Bill for electing Wardens of the Poor; and

A Bill to extend an Act passed at New Bern the 29th day of December, 1785, intituled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned, to build Houses in their respective Counties for the reception of the Poor, and other purposes," to the several Counties therein mentioned. Endorsed, read the third time and passed.

Received from the Senate the Petition of Richard Goode, Sheriff of Surry County. Endorsed, read and referred as by the House of Commons.

Received also the Petition of Nicholas Bibbs. Endorsed, read and referred to Mr. Berger, Mr. Gallaway, Mr. Moore and Mr. Hinley.

The Bill to prevent the further importation of Slaves, was read and ordered to lie over until the next Assembly.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to Ballot on Monday next at 4 O'clock in the Evening for a Governor, Treasurer and a Brigadier General for each of the Districts of Halifax and Wash-

ington, and the place at which the next Assembly shall be held. We nominate for Governor Samuel Johnston and the Honble. John Williams, Esquire; for Treasurer, John Haywood, Esquire; for a Brigadier General for the District of Halifax, Thomas Eaton, Esquire; for Washington District, Joseph Martin and Anthony Bledsoe, Esquires.

For the place at which the next Assembly shall be held, the Towns of Tarborough, Fayetteville, Hillsborough, Salisbury, Halifax, Salem and New Bern.

The Bill granting to the inhabitants living on the South East side of Mecklenburg County a privilege of holding a separate Election for members of Assembly and to repeal an Act intituled "an Act for the removing of the Public Buildings of Mecklenburg County from Charlotte to the Centre of said County," was read the third time, amended, passed and sent to the Senate.

The Bill authorizing and requiring the County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age, was read the third time, passed and ordered to be Engrossed.

The Bill charging the Estate of Honore Giraud late of the Town of Halifax, deceased, with the payment of all his just debts, and to prefer the same to the title acquired by this State in the property which was of the said Giraud, in consequence of his Self Murder, was read the third time, passed and ordered to be Engrossed.

The House adjourned till Monday Morning 10 O'clock.

MONDAY, 10 December, 1787.

The House met according to adjournment.

Mr. Smithwick moved for leave and presented a Bill to settle the title and bounds of Land, which was read the first time, passed and sent to the Senate.

Mr. Robert Webb one of the members for Richmond County, appeared was qualified and took his seat.

The Bill declaring what crimes and practices against this State shall be Treason, and what shall be misprision of Treason, and providing punishments adequate to crimes of both Classes, was read the second time, amended, passed and sent to the Senate.

Mr. Davie moved for leave and presented a Bill to amend an Act

entituled "an Act to bring to condign punishment, and to secure their Estates so far as to be Answerable to the Public, the Persons therein described accused of certain crimes and fraudulent practices, and to indemnify such persons as have Acted in pursuance of certain Resolutions of this Assembly from vexatious suits and prosecutions, and to establish a board for the further detection & further discovery of the said fraudulent practices, and for settling and liquidating the Accounts of the officers and Soldiers of the Continental line, to give the Public further Security and to relieve the Creditors of persons who have been presented or indicted in consequence of the said Act;" which was read the first time, passed and sent to the Senate.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

Herewith you will receive a Receipt Granted by Mr. Robert Stewart, Agent for Messrs. Constable, Reuker & Company, for a further delivery of 214,400 lbs. of Tobacco by Colo. Whitaker, on account of the State.

RD. CASWELL.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We herewith send you a Message this day received from His Excellency the Governor, together with the papers therein referred to, which we propose referring to the Committee on Finance.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

I have the honor to lay before you sundry Resolutions of the Commonwealth of Virginia, concerning the Federal Constitution, as transmitted to me by the Executive of that State, with a Letter Addressed to the Honorable the Speaker of the House of Commons.

RD. CASWELL.

Ordered that the above Message, with its inclosures, be sent to the Senate.

Received from the Senate a Resolution of that House declaring that no allowance shall be hereafter made for Certificates either lost, Mislaid or destroyed, which being read was rejected.

Received from the Senate the Report of the Committee on the Petition of Mary White, and the Report on the Petition of Benjamin Wilson & Zepheniah Burges. Endorsed, In Senate, read and concurred with; which reports being read were concurred with by this House and returned.

Received from the Senate the Petition of Benjamin Sheppard, Endorsed, read & referred to the Committee on the Memorial of Judge Ashe; which being read was referred as by the Senate & returned.

Received from the Senate a Resolution of that House directing the Public Treasurer to pay unto Thomas Hill of Halifax County, Two Hundred & Twenty-two Pounds thirteen Shillings, &c., which being read was Concurred with and returned.

Mr. Spaight, from the Committee to whom was referred the representation of Thomas Benbury, Esquire, Collector of Port Roanoke, delivered in a Report which being amended, was agreed to in the following words, vizt:

That in their opinion it is absolutely necessary a Bill should pass this General Assembly directing the duty of Naval officers and Collectors and of all Masters and owners of Vessels coming into this State, so as effectually to prevent in future the abuses complained of in said Memorial.

All which is submitted.

RICHD. D. SPAIGHT, Chairman.

The House taking this report into consideration concurred therewith.

Received from the Senate a Bill for fixing the residence of the officers of Government & the place for the meeting of the future General Assembly. Endorsed, read the first time & passed.

Received also, a Bill declaring the Treaty of Peace between the

United States of America and the King of Great Britain to be the Law of the Land. Endorsed, read the third time & passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We have received your Message proposing to ballot at 4 O'clock this evening for a Governor, the place at which the next Assembly shall be held, and other officers therein mentioned, with which we do not concur; but propose that it be postponed till 4 O'clock on Wednesday next.

We approve of the whole of your nomination and add thereto for Governor, the Honorable Alexander Martin and Richard Dobbs Spaight, Esquire.

It is the request of Anthony Bledsoe, Esquire, that his name be withdrawn from the nomination for Brigadier General for the District of Washington.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have received your Message with respect to balloting for the place of holding the next General Assembly and public officers. As to that part thereof which proposes the Honorable Alexander Martin to be ballotted for as Governor for the ensuing year we cannot concur with; as this House, upon a full consideration of the point of his eligibility to that office, have determined that question in the Negative. The other parts of the Message we agree to.

Received from the Senate the Resolution of this House authorizing & empowering the Chairman & any Six members thereof to proceed to business, concurred with.

Received from the Senate the following Bills, vizt.:

A Bill to direct the application of such Public Tobacco as already is or may hereafter be purchased by the Commissioners for that purpose appointed by the last General Assembly, and to repeal the thirteenth Section of an Act intituled "an Act for the regulation of Commerce."

A Bill directing the duty of Naval officers and of all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the first time & passed.

Received also a Bill to amend an Act entitled "an Act to remove

all disabilities from Simon Cleary, and others therein named." Endorsed, read the second time & passed.

Mr. McDowall moved for leave and presented a Bill authorizing and requiring the Sheriffs of the Several Counties in this State to bring suit or take into possession, receive and make sale of all property left by the British in this State during the late War; which was read the first time, passed and sent to the Senate.

Mr. Wyatt Hawkins presented the Memorial of Henry Montfort, Esquire, praying that permission may be given to dispose of part of the property held by the State as Security for certain supposed frauds for the benefit of his Creditors, &c.; which being read was referred to the Committee appointed on the Memorial of the Honble Judge Ashe, & sent to the Senate.

Mr. Davie presented the Memorial of John Geddy, Esquire, setting forth that he hath, as Sheriff of Halifax County, received a considerable amount of the Certificates called due Bills in his late collection of the Public Tax & that in consequence of certain resolutions of the last General Assembly the Public Treasurer does not think himself justifiable in giving him a credit therefor; which being read was referred to the Committee of Finance and sent to the Senate.

The Bill directing the duty of Naval officers and of all Masters of Vessels coming into any of the Ports or Inlets of this State, was read the first time, passed & sent to the Senate.

The Bill to direct the application of such Public Tobacco as already is or may hereafter be purchased by the Commissioners, for that purpose appointed by the last General Assembly, and to repeal the thirteenth Section of an Act intituled "an Act for the regulation of Commerce;" was read the first time, passed & sent to the Senate.

The Bill to empower the County Courts to proceed in certain cases as therein directed, was read the second time, passed & sent to the Senate.

Mr. Spaight moved for leave and presented a Bill to alter the times of the annual meetings of the General Assembly of this State; which was read the first time, passed and sent to the Senate.

Mr. Davie presented the Claim of Jesse Glasgow, Esquire, public Secretary, for the depreciation of his Salary; which being read was referred to the Committee of Claims & sent to the Senate.

Mr. Mebane exhibited the representation of James Glasgow, Esquire, Public Secretary, relative to two returns made for one Tract of Land sold by the Commissioner of Confiscation to different persons, & desiring the sense of the General Assembly with respect to issuing a Grant for the said Land; which being read was referred to the Committee appointed on the Memorial of the Honble. Judge Ashe, and sent to the Senate.

Received from the Senate a Bill to alter the mode of Taxation on Lands, by arranging the Lands within this State into Classes as therein directed. Endorsed, read the first time & passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree that a Committee be appointed to prepare and introduce a Bill directing the mode of trying impeachments. We have appointed Mr. Allen Jones, Mr. Coor & Mr. Person for this purpose, who will act with the Gentlemen by you made choice of.

Received from the Senate a Resolution of that House directing the Committee of Claims in what manner to allow Claims for fees on prosecution, which being read was concurred with and returned.

Mr. Davie moved for leave and presented a Bill for erecting the Counties of Davidson & Sumner* into a District, and for appointing an Assistant Judge and Attorney General; which was read the first time, passed and sent to the Senate.

The Bill to amend an Act intituled "an Act to keep open Roanoke river for the passage of fish up the same, and other purposes therein mentioned," was read the third time, passed & ordered to be Engrossed.

Mr. Spaight, according to order, moved for leave and presented a Bill directing the mode of trials upon impeachments; which was read the first time, passed and sent to the Senate.

The Bill to alter the mode of Taxation on Lands, by arranging the Lands within this State into Classes as therein directed, was read the first time, passed and sent to the Senate.

The Bill to erect and establish a Town in Rutherford County, on the Land already procured by the Commissioners for the purpose of building a Court House, Prison and Stocks for the said County,

*Now in Tennessee.—Ed.

and to amend an Act to regulate the Town of Salisbury, was read the first time, passed & sent to the Senate.

Received from the Senate a Bill to effect the Cutting and Clearing a Road from the lower end of Clinch Mountain to the Cumberland Settlements, & for preserving peace & guaranteeing safety to the inhabitants thereof. Endorsed, read the Second time and passed.

The Bill for hiring out persons convicted on indictment or presentment, and not being able or willing to pay the fine and fees of office, was read the first time, passed and sent to the Senate.

Mr. Steele moved for leave and presented a Bill directing a method which shall be observed in future for the better regulating the division of Counties, addition of Counties & fixing the Public buildings in the same, and to prevent unfair practices from taking place in divisions, additions and removal of public buildings; which was read the first time, passed and sent to the Senate.

The Bill to enable the County Courts to appoint Commissioners to keep open rivers & Creeks at their several falls, so far as they think necessary, for the passage of fish up the same, was read the first time, passed & sent to the Senate.

The Bill to establish an Inspection of Tobacco at Murfreesborough, was read the first time, passed and sent to the Senate.

Mr. Tatham moved for leave to bring in a bill to regulate all differences concerning Lotts and Tenements in the Town of Lumberton, and to establish titles to the same as Town property, and bring the said Town within the powers of Taxation as Town Property, and to regulate and ascertain certain differences between the inhabitants of Bladen and Robeson respecting their duty in working on the Great Swamp. Ordered that he have leave accordingly.

The Bill to empower the Court of Pleas and Quarter Sessions in the County of Perquimans to lay a Tax for the purpose of repairing the Prison and building a Gaoler's House in the County aforesaid, was read the second time, amended, passed and sent to the Senate.

The Order of the Day for going into an investigation of the charges exhibited against Mr. John Bonds being called for and read, it was on Motion, Resolved, That the Committee of Privileges and Elections do take up the subject, examine the several Witnesses, and report to the House specially the facts.

The House adjourned till Tomorrow morning 10 O'clock.

TUESDAY, 11 December, 1787.

The House met according to adjournment.

Mr. Dickins presented the Memorial of Stephen Moore, Esquire, late Deputy Quarter Master General, which being read was referred, on the part of this House, to Mr. Everagin, Mr. Dickens and Mr. Phifer, and was sent to the Senate.

Mr. Gowdy presented the Petition of Geo. H. Berger, which being read was referred to the Committee on Judge Ashe's Memorial, and sent to the Senate.

Mr. Cox presented the Petition of Sundry of the Inhabitants of Moore County, praying that Thomas Mathews who was suspended from the exercise of the office of a Justice of the Peace, may be reinstated in the Commission of Peace, which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Mr. Anderson presented the Petition of James Christian, which being read was referred to the Committee of Propositions & Grievances, & sent to the Senate.

Received from the Senate a Bill to alter the times of the annual meeting of the General Assembly of this State, and

A Bill to vest the title of a certain tract of Land therein mentioned, in John Johnston. Endorsed, In Senate, read the first time & passed.

The Bill for fixing the residence of the officers of Government & the place for the meeting of the future General Assemblies, was read and ordered to lie over until the next Assembly.

Received from the Senate the Memorial of Henry Montfort. Endorsed, read and referred as by the House of Commons.

Ordered that the Bill to alter the times of the Annual Meetings of the General Assembly of this State lie on the Table until the next Assembly.

The Bill to amend an Act entitled "an Act to remove all disabilities from Simon Cleary, and others therein named," was read the second time, passed and sent to the Senate.

Received from the Senate a Bill to amend an Act to bring to condign punishment and to secure their Estates so far as to be answerable

to the public, the persons therein described, accused of certain crimes and fraudulent practices, &c. Endorsed, read the first time and passed.

Received from the Senate the report of the Committee on the Petition of Messrs. Henry Hill and Thomas Pitt. Endorsed, In Senate, read & concurred with; this report being read, was rejected by this House.

Received from the Senate a Resolution of that House directing the Public Treasurer to enter the statements of James Green Lee, late Sheriff, &c., on his books, and directing the Comptroller to Credit him accordingly; which being read was concurred with & returned.

Received from the Senate the Report of the Committee on the Petition of Peter Goodwin. Endorsed, In Senate, read & concurred with; which being read was concurred with this House and returned.

Received from the Senate the Report of the Committee on the Petition of John Johnston. Endorsed, In Senate, read & Concurred with, which being read was concurred with by this House and returned.

The Bill to vest the Title of a certain tract of Land therein mentioned, in John Johnston, was read the first time, passed & sent to the Senate.

Received from the Senate the Petition and Memorial of John Willis. Endorsed, In Senate, read and referred to the Committee on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

Received from the Senate, the Claim of Lovett Burges, Esquire, Clerk of the Superior Court of Law and Equity in Halifax District. Endorsed, In Senate, read & referred to the Committee of Claims; which being read was rejected.

Resolved, That it is the opinion of this Assembly that the Clerks of the Superior Courts ought not to be paid by the public for any services officially done on indictments or other Criminal prosecutions carried on against persons who are insolvent, and that the Committee of Claims be directed to disallow all such Accounts.

Received from the Senate the following Petitions, endorsed, In Senate, read & referred as by the House of Commons, vizt.:

The Petition of James Christian;

The Petition of George H. Berger; and

The Petition of Sundry Inhabitants of Moore County in favour of Thomas Matthews;

The Bill to effect the Cutting & Clearing a Road from the lower end of Clinch Mountain to the Cumberland Settlements, & for preserving Peace and guaranteeing safety to the Inhabitants thereof, was read the second time, passed & sent to the Senate.

Mr. Gowdy presented the Memorial of Joseph Cain; which being read was referred to Mr. Gowdy, Mr. Bloodworth & Mr. Lewis on the part of this House, & sent to the Senate.

Mr. Williams presented the Memorial of Stephen Brooks; which being read was referred to the Committee appointed on the Memorial of Joseph Cain, and sent to the Senate.

Received from the Senate a Bill to carry into further effect an Act entitled "an Act for opening the land office, for the redemption of Specie and other Certificates, and discharging the Arrears due to the Army." Endorsed, read the first time & passed.

Mr. Spaight presented the Petition of James Camey, praying, &c.; which being read was referred to the Committee on the Petition of William Goode, and sent to the Senate.

Received from the Senate the Acct of Mr. Benjamin Hawkins late Commercial Agent for this State, respecting purchases made of Mr. John W. Stanley, &c. . Endorsed, In Senate, read and referred to the Committee on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

Received also, the Memorial of Joseph Arrington Sheriff of Nash County. Endorsed, read & referred to the Committee of Propositions & Grievances; which being read was rejected.

Received from the Senate the Memorial of Stephen Moore late Deputy Quarter Master General. Endorsed, In Senate, read & referred to Mr. Shaw, Mr. Miller & Mr. Moore.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree that the Message from His Excellency the Governor, together with its inclosures, be referred to the Committee of Finance.

Received from the Senate the Report of the Committee on the

representation of Thomas Benbury, Esquire. Endorsed, read & concurred with.

The Bill to amend an Act intituled "an Act to bring to condign punishment, and to secure their estates so far as to be answerable to the Public, the persons therein described accused of certain Crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious suits and prosecutions, and to establish a board for the further detection and further discovery of the said fraudulent practices, and for settling and liquidating the accounts of the officers and Soldiers of the Continental line, to give the public a further Security and to relieve the Creditors of Persons who have been presented or indicted in consequence of the said Act;" was read the Second time, amended, passed & sent to the Senate.

Mr. Polk, from the Committee to whom was referred the representation of John Haywood, Esquire, relative to the misapplication of the public Tobacco, delivered in a report, which being read was ordered to lie on the Table until Thursday next.

The Bill declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the Law of the Land, was read the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill to amend and explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors to make returns, &c. Endorsed, read the Second time, amended & passed.

Received from the Senate the representation of the Secretary respecting the two Grants therein mentioned, and the claim of the Secretary for the depreciation of his Salary. Endorsed, In Senate, read & referred as by the House of Commons.

Mr. Tatham presented the Petition of Richard Sears, praying, &c., which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

Received from the Senate the Memorial of Charles McDowall and David McPeters. Endorsed, read & referred to the Committee on the Memorial of the Honble. Judge Ashe; which being read was referred as by the Senate and returned.

Received from the Senate the Memorial of Stephen Brooks. Endorsed, read and referred as by the Commons.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We cannot agree that the name of the Honorable Alexander Martin, Esquire, be left out of the nomination for Governor, being still of opinion he is eligible to that appointment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

At the particular request of the Honorable Alexander Martin, Esquire, his name is withdrawn from the nomination of Governor.

The House adjourned till To-morrow Morning 10 O'clock.

WEDNESDAY, 12 December, 1787.

The House met according to adjournment.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

Herewith you will be pleased to receive a letter addressed to me by Colo. John Tipton, to whom I had committed the distribution of the Commissions recommended to be issued by the last General Assembly for the County of Washington.

I presume the General Assembly will judge it necessary to make a new appointment to the Command of the Cavalry in the room of Mr. Sevier.

RD. CASWELL.

Received also, the following Message from His Excellency, the Governor:

To the Honorable, the General Assembly:

Gentlemen:

Permit me to lay before you a Public news paper, in which is contained an address to me as Governor of the State, under the Signature of *Proculus*, this Author being so illiberal in his statement of the several matters he has thought proper to charge me with, tho' he appears to be well informed of the particular circumstances at-

tending the Conviction of the Criminals, if we take his own assertions for facts, and of the conduct of the Culprits on their releasement; yet his having been ignorant of the motives which Governed me in granting the Pardons or from the Malignity of his Heart, desiring to conceal them, has only published so much of these transactions, as whether right or wrong might have a tendency to injure my reputation in the minds of the Citizens of this State, and altho' the author doth not deserve an answer from me, yet as this publication may fall into the hands of those who may be unacquainted with the particular circumstances, I think with him, that it is necessary an enquiry should be made into these matters by your Honorable Body, and accordingly submit the same to your consideration.

And in order to enable you to judge with propriety and precision I take the liberty of following *Proculus*, by laying before you the Petition of William Smith and others, subscribed by Eight of the Jurors who passed on his Tryal and the state of the case of the said Smith, endorsed on the Petition by which, if any thing was meant by the Judge, I was to understand by his conclusion "that upon the whole he did not think Smith intended to deprive the woman of life," he had recommended Smith to the clemency of the State as he could not under construction of Law, in such case, be considered as Guilty of Murder.

Proculus next introduces the case of Atkinson, permit me to refer you to the Petition of the Members of Assembly and a Copy of my reprieve Granted in Consequence of their application.

The last is the case of P. Alston whom *Proculus* calls Holston, this person was recommended by the General Assembly by their resolutions of the 19th of December, 1785, as an object to whom the Clemency of the State ought to be extended and in pursuance of the same he was pardoned; under the several circumstances herein alluded to I consider it my duty to submit to the General Assembly, with all proper respect, the propriety of making the enquiry called for, and in Justice to the Public as well as myself to require that they do therein what right and Justice demand.

RD. CASWELL.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We herewith transmit to you an address this day handed into the Commons from His Excellency the Governor, on the subject of certain pardons lately granted to condemned persons requesting an inquiry into his conduct and the motives thereof in granting the said pardons which we propose referring to a joint Committee who shall report thereon on Friday next. We have appointed on our part Mr. Davie, Mr. Polk and Mr. Spaight.

Received from the Senate a Bill to amend an Act entitled "an Act to remove all disabilities from Simon Cleary, and others therein named." Endorsed, read the third time & passed.

Received from the Senate the Petition of Joseph Cain, and the Memorial of John Geddy. Endorsed, read and referred as by the House of Commons.

Received also the Resolve of this House declaring the Clerks of the Superior & County Courts shall not be allowed for fees on Criminal Prosecutions, where the defendants prove insolvent, Concurred with.

Mr. McDowall, according to order, presented a Bill to suppress Sutling and to regulate Tavern or Ordinary Keepers in the Counties therein mentioned; which was read the first time, passed and sent to the Senate.

On reading the Petition of Thomas Ryan Butler, late in the service of this State in the State Legion,

Resolved, That the Comptroller be and he is hereby directed to receive and audit the Claims of the said Butler for services performed in the State Legion and grant him a Certificate for such sum as may be found to be justly due him, such Certificate to be on the same footing as Auditors Certificates.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

On the representation of the Gentlemen appointed to punch the Governor's warrants and to burn the Certificates granted by the General Assembly to their Members and officers we conceive it to be improper to burn those Certificates as they are necessary for the Treasurer as Vouchers in the making up his accounts with the Comptroller.

We therefore propose that these Certificates, as well as the Governor's Warrants and Resolutions of the Assembly directing the payment of Money now in the possession of the Treasurer, be all of them punched as directed by our former Message to you on this subject.

The Bill to carry into further effect an Act intituled "an Act for opening the land office, for the redemption of Specie and other Certificates, and discharging the Arrears due to the Army," was read the second time, amended, passed and sent to the Senate.

Received from the Senate the following Bills, vizt.:

A Bill dircting the mode of trials upon impeachments;

A Bill for the more speedy determining disputes that have arisen or may hereafter arise from erecting Mill Dams in the several Counties in this State;

A Bill to impower the Wardens of the Poor for the County of Currituck to lay a Tax to enable them to settle the arrears due from the said County;

A Bill authorizing and requiring the Sheriffs of the several Counties in this State to bring Suit or take possession, receive and make sale of all property left by the British, &c. Endorsed, read the first time and passed.

Received from the Senate the Report of the Committee on the representation of the Members for Moore County, and the report on the Petition of Daniel Culbreath. Endorsed, read & concurred with; which reports being read were concurred with by this House and returned.

Whereas, great inconvenience may arise from the present practice in delivering the original acts of the General Assembly to the printer, whereby they may be mislaid or never returned to the Secretary of State;

Therefore be it Resolved, That it shall be, and it is hereby declared to be the Duty of the Clerk of the Senate, to deliver the Original Acts of each Session of the General Assembly to the Secretary of State whose duty it shall be to transmit attested copies of such Acts to the Public Printer or Person employed to print and publish the same, and the Secretary of State is hereby directed to take the necessary measures for the safe keeping and preservation of the Original Acts in the order in which they were respectively enacted.

Whereas, it would certainly prevent much trouble, risque and expense, if the Treasurer was authorized to punch or perforate all Warrants, orders and allowances, and Money drafts of every nature and kind received and paid into the Treasury, and Specie and other Certificates received by him or otherwise. Therefore be it

Resolved, That the Treasurer be and he is hereby authorized and required immediately on the payment of any Warrant, order, allowance, or other draft on the Treasury of this State, or on the receipt of any Specie or other Certificates by Taxes or otherwise, to cause the same to be struck thro' with a punch of half an Inch diameter at least so as effectually to prevent the future Circulation or Credit of such Warrant, order, allowance or Certificate.

Resolved, That these Resolutions be printed and bound up with the Laws of this Session.

Received from the Senate a Bill for erecting the Counties of Davidson and Sumner into a District, and for appointing an assistant udge, &c.; and a Bill for levying a Tax in the County of Brunswick for the purpose of Building a Gaol therein. Endorsed, read the first time and passed.

Received also, a Bill directing the duty of Naval officers, and of all Masters of Vessels coming into any of the Ports or Inlets of this State; and a Bill to erect and establish a Town in Rutherford on the Land already procured by the Commissioners for the purpose of building a Court House, &c. Endorsed, read the second time and passed.

Mr. Wyatt Hawkins, from the Committee to whom was referred the Memorial of John Simpson, Reported,

That on examining the several papers produced in support of the said Memorial it appears from the Certificates of M. Hunt and A. Ramsay that the said John Simpson exhibited his account to them as Auditors in the year 1781, by which a balance appeared to be due to the said Simpson, but the said Account was not finally settled owing to the great confusion in the Country occasioned by the enemy at that time. It also appears that the said account and vouchers were left in the hands of the said Auditors which have been mislaid or lost, whereby Mr. Simpson has been unable to settle with the Public. It also further appears that the said John Simpson has a Certificate, for his attendance as a Member of the General As-

sembly, for forty-four pounds, and that from unavoidable accident it was lost and destroyed by which accident the said Mr. Simpson has been prevented from drawing his Money out of the Treasury. Your Committee therefore have thought it most expedient to thus state the facts and refer them to your Honorable body for a determination thereof.

All which is submitted.

WYATT HAWKINS, Chairman.

The House taking the foregoing report into Consideration came to the following Resolution:

Whereas, it appears to this Assembly that there is a Statement in the Comptroller's Books whereby John Simpson, Esquire, stands charged to the public as a debtor for a sum of Money of three hundred pounds or thereabouts; and whereas, it also appears that in the year 1781 the said John Simpson presented his Accounts and vouchers to the Auditors for settlement, which have been lost in their possession, and the said Auditors have Certified that upon the examination of the said Vouchers it appears to them his credits exceeded the debt due by the Public.

Resolved therefore, That the Comptroller be and he is hereby directed to cancel the said Statement so as that all the Accounts between the State and the said Simpson be balanced finally; so far as relates to the balance reported by the Comptroller against the said Simpson.

Received from the Senate a Bill to amend an Act intituled "an Act to pardon and consign to oblivion the offences and misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins; and

A Bill to impower the Court of Pleas and Quarter Sessions in the County of Perquimans to lay a Tax for the purpose of repairing the Prison, &c. Endorsed, read the Second time and passed.

Ordered that the Bill for the more speedy determining disputes that have arisen or hereafter may arise from erecting Mill Dams in the several Counties in this State, be laid over until the next Assembly.

Mr. Davie presented the representation of Robert Fenner, Esquire, agent for the late North Carolina line; which being read was

referred to the Committee on Finance, who are directed to report thereon on Friday next.

Received from the Senate the Petition of Martha Mitchell. Endorsed, read and referred to the Committee of Propositions & Grievances; which being read was referred as by the Senate and returned.

Mr. Goudy presented the resignation of John Ballinger one of the Justices of the Peace for Guilford County, which being read was accepted of and sent to the Senate.

Mr. Horn presented the resignation of William Cherry one of the Justices of the Peace for Bertie County, which being read was accepted of and sent to the Senate.

Mr. Mebane presented the Petition of Sundry Inhabitants of Orange County, recommending & praying that John Ray be appointed a Justice of the Peace for the said County; which being read was ordered to lie over until the next Assembly.

Received from the Senate the following Bills, vizt.:

A Bill for making process in Equity effectual against persons who abscond and who reside without the limits of the State, and for better regulating the proceedings in Courts of Equity;

A Bill to repeal part of an Act entitled "an Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years, for the purpose of erecting or repairing the Court House, Prison & Stocks in each County, &c. Endorsed, read the third time & passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We are now ready to proceed on the balloting, and have appointed General Person & Mr. Gallaway to superintend the same on the part of this House.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have appointed Mr. Cabarrus & Mr. Franklin to Superintend the balloting & are now ready to proceed on that business. The Bill for erecting the Counties of Davidson and Sumner into a District and for appointing an assistant Judge and Attorney General, was read the second time, amended, passed and sent to the Senate.

Received from the Senate the Report of the Sub-Committee of Finance No. 1 and No. 3, and the estimate of the Civil List. Endorsed in Senate, read & concurred with; which being read were concurred with by this House and returned.

The House adjourned till To-morrow Morning 10 O'clock.

Thursday, 13 December, 1787.

The House met according to adjournment.

Mr. Franklin from the joint balloting for a Governor, Treasurer, a Brigadier General for each of the Districts of Halifax and Washington, and the place at which the next Assembly shall be held, Reported,

That Samuel Johnston, Esquire, was elected Governor; John Haywood, Esquire, Treasurer; Thomas Eaton, Esquire, Brigadier General for the District of Halifax, and Joseph Martin for the District of Washington;

That no place in nomination for holding the next Assembly at had a Majority of Votes.

The House taking this Report into consideration Concurred therewith.

Received from the Senate the Resolve of this House requiring the Clerk of the Senate to deliver the Original Acts of the General Assembly to the Secretary, &c., Concurred with.

Received also, the Resolve of this House directing the Comptroller to receive and audit the Claims of Thomas Ryan Butler. Endorsed, read & concurred with.

Received from the Senate a Bill to establish an inspection of Tobacco at Murfreesborough. Endorsed, read the second time and passed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

The Honorable Samuel Johnston being elected Governor of this State for the ensuing year it is proper he should attend this Assembly and be qualified into his office; we therefore propose that the Speakers of the two Houses be requested to inform him of his Election and desire his attendance for the above purposes.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We have received your Message inclosing an address from His Excellency the Governor, and proposing that it be referred to a Joint Committee, to which we agree and have appointed Mr. Person, Mr. Harget and Mr. Allen Jones, on the part of this House to act with the Gentlemen by you named.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

It is the sense of this House that the place yet to be made choice of for the sitting of the next Assembly be balloted for at 4 o'clock this afternoon. We also propose that a Council of State be balloted for at the same time, and nominate Charles Johnston, John Mair, Thomas Eaton, John Faulcon, Nathaniel Macon, Josiah Collins, John Johnston, John Skinner, Samuel Strudwick & Edward Everagin, Esquires.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We agree to your Message proposing a ballot at 4 O'clock this evening for the place of holding the next Assembly, and for a Council of State. In addition to the persons by you nominated for Councillors we nominate the following names, to-wit: Willie Jones, John Kinchen, Whitmill Hill, Charles Johnston, James Sanders, Maxwell Chambers, William Hooper, Thomas Brown, Henry W. Harrington & William Littlejohn.

Ordered that Mr. Perkins have leave to absent himself from the Service of this House during the Session.

Received from the Senate the resignation of William Cherry and John Ballinger, Justices. Endorsed, read and accepted.

Received also the representation of Robert Fenner, Agent, &c. Endorsed, read & referred as by the House of Commons.

Also the Resolve of this House authorizing the Comptroller to finally settle the Accounts of John Simpson & balance the same. Endorsed, read and concurred with.

Mr. Richmond Pearson one of the members for Rowan County, appeared was qualified & took his seat.

Received from the Senate a Bill for hiring out persons convicted

on indictment or presentment, not being willing to pay the fine and fees of office; and

A Bill directing the Clerks of the several Courts of Record within this State as to their duty in office, with respect to the issuing of Writs. Endorsed, read the Second time and passed.

Received also, a Bill to empower the County Courts to proceed in certain cases, as therein directed. Endorsed, read the third time and passed.

The Bill to amend and explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors within the different Counties to make their Surveys and return platts thereof to the Secretaries office; and more especially of an Act passed at New Bern in the year 1785 intituled "an Act to amend an Act intituled an Act for opening the Land office and other purposes, and to give further time for the registration of Deeds and Grants therein described;" was read the third time, amended, passed and sent to the Senate.

Mr. Tatham moved for leave to enter his dissent against the passage of the above Bill. Ordered that he have leave accordingly.

Mr. Polk presented the Memorial of Micajah Thomas, Administrator of Colo. Thomas Hunter, late of Nash County, deceased; which being read was referred to the Committee appointed on the Memorial of Judge Ashe & sent to the Senate.

Mr. P. Hawkins presented the Memorial of the Honble. William Blount, Esquire, late a Delegate from this State in the Congress of the United States, on the Subject of the depreciation of his Salary as Delegate aforesaid; which being read was referred to a joint Committee of Mr. Wynn, Mr. Franklin & Mr. Polk, appointed on the part of that House for that purpose.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that a joint Committee, to consist of five Members from each House, be appointed in order to agree upon and adopt some general mode that shall in future be observed between the two Houses of the General Assembly on the passage of Bills, particularly on the last reading, and that such Committee shall make report To-morrow. We have for this purpose on our part, appointed Mr. Spaight, Mr. Davie, Mr. Bloodworth, Mr. Hawkins & Mr. Polk.

Ordered that the Report of the Committee of Privileges and Elections on the case of Mr. Bonds, be taken up to-morrow morning.

Received from the Senate the Petition of Richard Sears. Endorsed, read and referred as by the House of Commons.

Received from the Senate a Bill to enable the County Courts to appoint Commissioners to keep open rivers and Creeks at their several falls, so far as they think necessary, for the passage of fish up the same; and

A Bill to amend an Act intituled "an Act to encourage the building of Public Mills, and directing the duty of Millers," passed at New Bern 1777. Endorsed, read the Second time and passed.

Received from the Senate a resolution of that house empowering His Excellency the Governor, on the application of Benjamin McCulloch, to grant a pardon to the said McCulloch, so far as to release him from his present confinement; and one other Resolution empowering His Excellency the Governor, to grant pardons to all those confined in Halifax Gaol by judgment of the Court of Oyer and Terminer held at Warrenton, on their application to him for such release-ment. The latter resolution being read was concurred with and returned.

The House adjourned till To-morrow Morning 10 O'clock.

FRIDAY, 14 December, 1787.

The House met according to adjournment.

Resolved, That the Delegates of this State, now in Town, be requested to lay before this Assembly To-morrow Morning the present State and Circumstances of the Union, and such transactions of Congress in the course of the last year as may be conducive to the better understanding of this Subject, or what in their opinion may be necessary to be made known to this Assembly.

Mr. Franklin from the Joint Balloting for the place at which the next Assembly shall be held, and a Council of State, Reported,

That the next Assembly shall be held at Fayetteville; That Willie Jones, Charles Johnston and Whitmill Hill, Esquires, were elected Members of the Council of State, and that four Members of the Council yet to be elected.

The House taking this report into Consideration Concurred therewith.

Mr. Bloodworth presented the Memorial of Captain John McCrohone setting forth that the Schooner Phoenix was impressed from him by Messrs. Hawkins & Speed, Commercial Agents, & destroyed in the public Service, and praying to be allowed the value of such Vessel; which being read was referred to the Committee appointed on Judge Ashe's Memorial and sent to the Senate.

Received from the Senate the Memorial of the Honble. William Blount, Esquire. Endorsed, in Senate, read and referred to Mr. Gallaway, Mr. Person & Mr. Clinton.

Resolved, That the Chairman and Six Members of the Committee of Finance be a quorum to do business, and that they be required to report to-morrow on such of the business as may possibly be finished, and that they finally report on Monday next.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

Mr. Allen Jones, Mr. Skinner, Mr. Coor, Mr. Lenoir and Mr. Gallaway, will act with the Gentlemen by you appointed for the purpose of preparing rules to be observed by the two Houses in amending and passing Bills by Message.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to consider of and report, what alterations if any, be necessary to be made in the present Constitution of this State at the intended Convention, and have appointed on the part of this House for the above Mentioned purpose Mr. Gallaway, Mr. Coor, Mr. Person, Mr. Skinner & Mr. Hill.

On the question to agree to this Message it was resolved in the negative; whereupon the Yeas & Nays were required by Mr. P. Hawkins, which are as follows, vizt.:

Yeas—Messrs. Wood, Dauge, Copeland, Dickens, Sherrod, Goudy, Phifer, Yates, Waddell, Maxwell, Scott, Jones, Cabarrus, Campbell, Ferebee, Dawson, Hill, Henderson, J. Baker, Wynns, Smaw, Gardner, P. Hawkins, Yancey, Hays, Koen, Humphries, Dickson, Coffin, Tatham, Spaight, J. Sanders, Starkey, Whitfield, N. Bryan, Lewis, Webb, Pearson and Steele—39.

Nays—Messrs. Nixon, Lanier, Horn, Sawyer, Creecy, Rhodes, W. Baker, Montgomery, Smithwick, Polk, Mebane, Everagin, Wil-

liam Carson, Bethell, Dodd, Allison, W. Taylor, B. Sanders, Franklin, Brown (Wilkes), Diggs, Dolvin, B. Spruill, Marshall, Brown (Bladen), Fuller, Lindley, Tyson, McDowall, McDowall, Jun., Thackston, McKinnie, Devane, Bloodworth, Jenkins, Pickett, Singleton, Gains, Withrow, Randal, Davie, Dupree, Cox—43.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to ballot at 4 O'clock to-morrow evening for four Members of the Council yet to be Elected, and that the five Gentlemen who had the greatest number of votes on the last balloting be in nomination for Councillors. We propose also, that Six Persons be Elected at the same time to represent this State in the Congress of the United States for the ensuing year, and two for the present year, to supply the places of the Honorable Timothy Bloodworth and the Honorable Alexander Martin, Esquires, resigned.

We nominate for Delegates for the ensuing year, James White, John Stokes, John B. Ashe, Robert Burton, Stephen Moore, Hugh Williamson, Benjamin Hawkins, Joseph McDowall, Henry W. Harrington, William Tatham, John Swann, Thomas Polk, Esquires; for Delegates for the present year, Robert Burton, Hugh Williamson, John Stokes, Henry Waters, Esquires; for a Judge of the Court, Mercantile & Marine for Port Beaufort, John Hawkins, Esquire.

The Bill directing the mode of trials upon impeachments was read the Second time, amended, passed and sent to the Senate.

Received from the Senate the Resolve of this House requesting the Delegates to lay before the General Assnibly the present State & circumstances of the Union, &c., Concurred with.

At the request of Mr. Cabarrus, Ordered that his name be withdrawn from nomination as Delegates.

Received from the Senate a Bill to ascertain the fees of Sheriffs within this State; and

A Bill to amend an Act intituled "an Act to bring to condign punishment, and to secure their estates so far as to be answerable to the Public, the persons therein described accused of certain crimes & fraudulent practices, &c. Endorsed, read the second time & passed.

Received also, a Bill to effect the Cutting and clearing a road

from the lower end of Clinch Mountain to the Cumberland Settlements, &c. Endorsed, read the third time & passed.

Received from the Senate the Memorial of Micajah Thomas, Administrator on the Estate of Colo. Thomas Hunter, and the Petition of John McCrohane. Endorsed, read & referred as by the House of Commons.

Received also, the Resolve of this House requiring the Committee of Finance to make report, &c. Endorsed, read & concurred with.

The Bill directing the duty of Naval Officers, and of all masters of vessels coming into any of the Ports or Inlets of this State, was read the Second time, amended, passed & sent to the Senate.

Mr. Bloodworth presented sundry papers relative to the Conduct of Certain Justices of the Peace for New Hanover County who were suspended from office by the General Assembly, which being read was referred to Mr. Tatham, Mr. McDowall & Mr. Campbell, on the part of this House, and sent to the Senate.

Mr. Davie presented the Memorial of John Armstrong, Entry Taker of the Western Lands, which being read was referred to the Committee of Finance who are to make a special report thereon.

Mr. Davie presented the Memorial of Edmund Gamble, which being read was referred to the Committee of Propositions & Grievances, and sent to the Senate.

Received from the Senate a Bill to vest the title of a certain Tract of Land therein mentioned in John Johnston. Endorsed, read the Second time, amended & passed.

Mr. P. Hawkins presented the resignation of Richard Ellis one of the Justices of the Peace for Warren County, which being read was accepted by this House and sent to the Senate.

Whereas, it hath been represented to this General Assembly that the claimants and holders of Lands entered in the late office of John Armstrong at Hillsborough, have evaded or refused to return such Lands in their list of Taxable property, upon the pretence of being Caveated by an Act of the last General Assembly.

Resolved, That the County Courts be directed and required to instruct the Persons who take the list of Taxable Property within their respective Counties to require by advertisement all persons holding such Lands to make immediate return thereof under the

pain of being prosecuted for a false return, and the Justices of the several Counties within this State are hereby expressly required to see this resolution carried into effect.

The Bill to amend an Act intituled "an Act to bring to condign punishment and to secure their estates, so far as to be answerable to the public, the persons therein described accused of certain Crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious suits and prosecutions, and to establish a board for the further detection and further discovery of the said fraudulent practices, and for settling and liquidating the Accounts of the officers and Soldiers of the Continental line, to give the public a further Security and to relieve the Creditors of Persons who have been presented or indicted in Consequence of the said Act," was read the third time, passed and sent to the Senate.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

It is the opinion of this House that Witnesses who attended in behalf of the State at the Court of Oyer and Terminer lately held at Warrenton, and all such as have attended any of the Superior Courts on similar business, should be allowed for their attendance and travelling expenses by the Committee of Claims, and that the Certificates expressing the sums allowed for such services shall entitle them to draw Money out of the Public Treasury.

Mr. Davie presented the Memorial of William Wootten setting forth that the estate of John Bradford, Esquire, Decd., has a claim against the State for house rent, &c., which being read was referred to the Committee on Petitions & Memorials & sent to the Senate.

Mr. Tatham presented the Petition of John Crawford, which being read was referred to the Committee of Propositions and Grievances & sent to the Senate.

Mr. Cabarrus presented the Memorial of John Humphries, Esquire, setting forth that in the year 1781 he had a quantity of Rum impressed from him for which he has not received payment, and praying relief; which being read was referred to the Committee of Propositions & Grievances and sent to the Senate.

Mr. Blount presented the Petition of Benjamin Gaylard, which

being read was referred to Mr. Tatham, Mr. Blount, Mr. Phifer and Mr. Coffin, and sent to the Senate.

Mr. Davie presented the Memorial of William Wootten, Executor to the last Will & Testament of John Bradford, Esquire, deceased, setting forth that among the papers of the deceased there are Specie Certificates to the amount of thirty-eight hundred and twenty-six Pounds three Shillings & four pence, which were in the possession of the said Mr. Bradford in his lifetime as one of the Auditors of Halifax District, and desiring the sense of the General Assembly as to the disposition to be made of the same; which being read was referred to the Committee of Finance & sent to the Senate.

Mr. Davie presented the Claim of John Jones, Esquire, which was referred to the Committee of Claims and sent to the Senate.

Mr. Mebane, from the Committee of Privileges and Elections, to whom was referred the enquiry into the conduct of Mr. John Bonds, delivered in the following report, to-wit:

The Committee to whom was referred the case of John Bonds, Esquire, beg leave to report:

That Mr. Bonds was before the Committee charged with having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates.

General James Armstrong being introduced and sworn, sayeth that a certain James Cremer, who had served twelve Months in the Continental line of this State, produced to the deponent his discharge and an order to draw the pay due thereon;

That he lodged the same in the Commissioner's office at Halifax, some time afterwards he applied for the due Bill and Certificates and found they had been drawn by John Bonds, and a receipt signed for the same. He afterwards applied to Cremer to know whether he had not sold his claim to Mr. Bonds, that he received for answer, "I know not Mr. Bonds, nor have I ever sold my pay to him or to any other person whatever."

On an application to Mr. Bonds by General Armstrong, to know of him whether he had not drawn James Cremer's pay, Mr. Bonds did deny to have ever drawn or receipted for his account, but that he had drawn for Thomas Cremer. General Armstrong did again call on the Commissioners and obtained a certificate from under the hand of their Clerk that Mr. Bonds had drawn the due Bill & Certifi-

cate of James Cremer; the General a second time called on Mr. Bonds for the Money and Certificates, when Mr. Bonds acknowledged to have received it and did actually pay the whole amount unto General Armstrong, but said he drew it for Thomas Cremer for whom he had a Claim and suggested the Clerk had made a mistake and entered James instead of Thomas Cremer.

Colo. W. R. Davie being sworn, says, that Mr. Bonds stands indicted in Halifax Superior Court for producing false tokens to the Army Commissioners whereby he had obtained Due Bills and Certificates fraudulently.

Colo. Griffin being sworn, sayeth, he was a Witness before the Grand Jury at Halifax last Superior Court when John Bonds was found guilty by an Indictment of having without any authority drawn the Due Bill, Certificate and Land Warrant of a certain Peter Jones who died in service; altho' the right of drawing was in Colo. Griffin, he having a power of Attorney from the father of Jones, who lived in Wake County. The Deponent finding the Account was drawn by Mr. Bonds he applied to him for the amount, Mr. Bonds acknowledged to the fact & immediately paid the full account.

Mr. Hines being sworn, sayeth, that Robert Bailey was raised in his Family and when near of Age enlisted into the Service where he died; that he, by the consent of Bailey's nighest of kin, applied to the Commissioners office for Bailey's pay, but found it had been drawn by John Bonds; that Mr. Bonds has since been indicted for this transaction at Halifax last Superior Court and a Bill found against him for Forgery.

Mr. Bonds introduced a Certificate in which it is set forth that Mr. Bonds hath purchased several Acco'ts. in which the name of Robert Bailey and W. Gay is inserted.

Henry Burges being sworn, supports the fact so far as the same relates to a purchase made by Mr. Bonds from a Thomas Clemens, whom he did not know or had ever seen before or since.

Henry Montfort being sworn, says it was Customary for the Commissioners to suffer persons whom they knew to draw Acco'ts out of the office without orders.

Captain Pridgen being sworn, sayeth, he saw Mr. Bonds on his way from Halifax who told him he had several due Bills and Certificates

for persons who died in the Army, and that when they would call on him they should have them.

Ann Strickland being sworn, sayeth, that her Husband William Gay, enlisted into the service and died to the Northward. That she, supposing Mr. Bonds would give her the necessary information how she could obtain the pay, &c., due her husband applied to him, who gave her for answer I would not give you a snap of my Finger for your chance. The deponent further sayeth that she has found that Mr. Bonds had drawn her Husband's pay, & produced to the Committee a Certificate from the Comptroller, wherein it is declared that the Due Bill and Certificates due unto William Gay has been drawn by John Bonds. She further says that Mr. Bonds has never paid her one farthing of the pay or Certificates due her Husband.

Your Committee have stated the facts and submit the determination hereon to the House.

ALEXR. MEBANE, Chairman.

The House taking this Report into consideration on Motion of Mr. McDowall, Seconded by Mr. Steele, it was Resolved, That Mr. John Bonds be expelled from this House.

Ordered that a Writ for the Election of one Member of this House issue to Nash County, and that the Election be held on the last Friday and Saturday in March next.

The Bill to amend an Act entitled "an Act to pardon and consign to oblivion the offences and misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins, was read the third time, amended, passed and sent to the Senate.

Mr. Cabarrus presented the representation of a number of the Inhabitants of Edenton District, setting forth that Thomas Vail who was Indicted at a Superior Court lately held for the District of Edenton, for Forgery, had ever supported a fair Character, &c.; which being read, together with Sundry depositions of the Jury who passed upon the trial of the said Vail, the House came to the following Resolution, Vizt:

Whereas, it has been represented to this General Assembly and confirmed by several depositions, and those of record, and by the Testimony of the Sheriff who was present at the trial, that Thomas Vail of the County of Chowan, has been indicted in the Superior

Court of Law and Equity for the District of Edenton, for forging and publishing, Knowing to be forged, in November, 1786, an obligatory note; and that on the trial of the said Indictment the Jury found him not guilty, yet by some accident the said Verdict was recorded as guilty of passing it knowing it to be forged. And Whereas, it appears that the said Vail has heretofore supported a fair and unblemished Character.

Resolved, That it be recommended to His Excellency the Governor, to issue and grant a full and ample pardon to the said Thomas Vail for the Crime or Crimes aforesaid, and that it be recommended to the Attorney General to enter a *Nolle prosequi* in the same charge.

Ordered that all the depositions relative to this Subject be entered on the Journal.

(See the last day's proceedings.)

The House adjourned till To-morrow morning 9 O'clock.

SATURDAY, 15 December, 1787.

The House met according to adjournment.

Received from the Senate the Petition of Colo. Hardy Murfree, and the Petition of Elizabeth Williams. Endorsed, read and referred to the Committee appointed on Judge Ashe's Memorial; which being read was referred as by the Senate and returned.

Mr. Bloodworth presented the Memorial of James Mulloy, which being read was referred to the Committee of Propositions and Grievances, and sent to the Senate.

Received from the Senate a Resolution of that House for suspending Henry Spears a Justice of the Peace for Surry, from the exercise of the office of a Justice of the Peace; which being read was Concurred with and returned.

Received from the Senate the following Reports, Vizt:

A Report of the recommendation of the County Court of Chatham in favour of John Kendrick.

A Report on the Representation of James Glasgow, Esquire, and one other Report on the Memorial of Edward Bridgen. Endorsed, in Senate, read and Concurred with; which reports being read were concurred with by this House and returned.

Resolved, That Thomas Benbury, Esquire, be allowed the Sum of Fifty-two pounds Eighteen Shillings, being the Amount of his ex-

penditures in the seizure of the Schooner "Bold Attempt," and that he be allowed the same in his settlement with the Treasurer.

The Bill to repeal part of an Act entitled "an Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years, for the purpose of erecting or repairing the Court House, Prison and Stocks in each County when necessary, and for defraying the Contingent charges of the Counties; was read the third time, passed and ordered to be Engrossed.

The Bill to empower the County Courts to proceed in Certain Cases as therein directed, was read the third time, passed and ordered to be Engrossed.

The Bill authorizing and requiring the Sheriffs of the several Counties in this State to bring Suit or take in possession, receive and make sale of all property left by the British in this State during the late War; was read the second time, passed and sent to the Senate.

The Bill directing the Clerks of the several Courts of Record within this State as to their duty in office, with respect to the issuing of Writs, was read the third time, passed and sent to the Senate.

The Committee appointed to superintend the Balloting for a Council, again reported on examination of the balloting that it appeared John Kinchen, Esquire, was also elected a Member of the Council by a Majority of the Votes of both Houses of the General Assembly.

The House taking this report into consideration concurred therewith; whereupon it was ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

On examining the balloting for a Council we find that John Kinchen, Esquire, was elected a Member by a Majority of the Votes of both Houses of the General Assembly; we therefore propose that only three Members be yet elected, instead of four, as by this House proposed on yesterday.

Mr. McDowall, from the Committee to whom was referred the report of the Committee on the Memorial of Richard D. Spaight, Esquire, Reported,

That on examining the said Memorial and the records of Craven County, they find that under an Act of Assembly passed in the year 1768, intituled "an Act for vesting certain lots in the Town of New Bern in His Excellency the Governor and his Successors," that a

jury was convened, qualified and valued said lots agreeably to the directions of said Act; they are therefore of opinion that the property of the said Lots is vested in the Public. All which is submitted.

HOWELL LEWIS,
JOS. McDOWALL,
JOHN STEELE.

On the question to agree to this report it was carried in the affirmative; whereupon the Yeas & Nays were required by Mr. Davie which are as follows, vizt:

Yeas—Messrs. Oliver, Dauge, Horn, Copeland, Creecy, Jos. Stewart, Sheppard, Sherrod, J. Bryan, Kendal, Phifer, Peebles, Mebane, Carson, Bethell, Waddell, Maxwell, Scott, W. Taylor, Jones, B. Sanders, Franklin, Brown (Wilkes), Steele, J. Taylor, Vaughan, Dawson, Marshall, Gardner, Lindley, Yancey, McDowall, McDowall, Jun., Cain, Jenkins, Dickson, Gaines, Barnes, Coffin, Lewis.—40.

Nays—Messrs. Wood, Nixon, Lanier, Sawyer, Dickins, Gowdy, W. Baker, Montgomery, Eborn, Smithwick, Polk, Thomas, Yates, Everagin, Harvey, Dodd, Allison, Cabarrus, Campbell, Diggs, Dolvin, Holmes, Henderson, J. Baker, Wynns, Brown (Bladen), Fuller, McKinne, Bloodworth, Humphries, Tatham, Jas. Sanders, Starkey, Whitfield, N. Bryan, Randal, Davie, Pearson.—38.

Resolved, That the proposals made by Richard Dobbs Spaight, Esquire, in his Memorial respecting his claim to certain lots in New Bern in possession of the Public, commonly called the Palace Lotts, and described in the said Memorial, be accepted by the General Assembly and that a Committee be appointed to amend the Bill intituled “a Bill empowering Commissioners to make sale of the Palace and Public Lotts within the Town of New Bern in manner therein mentioned,” agreeably thereto.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have appointed on our part, Mr. Bryan, Mr. McDowall, Mr. Wynns, a Committee, who with such Gentlemen as may be appointed by the Senate, shall amend the Bill for selling the Palace, &c., agreeably to the proposals made by Mr. Spaight, in his Memorial on that subject herewith sent you. We propose that the Committee so appointed shall make report on Monday next.

Received from the Senate the Resolve of this House allowing Thomas Benbury, Esquire, the Sum of Fifty-two Pounds Eighteen Shillings. Endorsed, read and Concurred with.

Received from the Senate a Bill directing the mode of trials upon impeachments. Endorsed, read the Second time & passed.

The Bill to amend an Act intituled "an Act to remove all disabilities from Simon Cleary and others therein named," was read the third time, passed and ordered to be Engrossed.

On reading the above Bill Mr. P. Hawkins proposed to amend the first enacting clause by adding to the last part thereof the following words, Vizt: "*and excepting also all such parts of the said personal estate as has been legally sold by Commissioners of Confiscated property, and for which the said Patrick has received satisfaction from this State.*"

The Question being put to agree to this proposed Amendment was negatived, whereupon the Yeas and Nays were required by Mr. P. Hawkins, which are as follows, Vizt:

Yeas—Messrs. Nixon, Oliver, Horn, Sawyer, Copeland, Dickins, Sheppard, Montgomery, Pierce, Smithwick, Polk, Phifer, Yates, Harvey, Bethell, Waddell, Maxwell, Scott, Jones, B. Sanders, Franklin, Steele, Vaughan, Hill, W. Hawkins, J. Baker, Wynns, Brown (Bladen), P. Hawkins, Yancey, Hays, Cain, Barnes, Spaight, J. Sanders, Whitfield, N. Bryan, Randal, Lewis, Leonard, Dupree, Pearson.—42.

Nays—Messrs. Wood, Lanier, Dauge, Grove, Anderson, Jos. Stewart, Rhodes, Gowdy, W. Baker, Jos. Bryan, Kindall, Thomas, Peebles, Mebane, Everagin, Carson, Dodd, Holmes, L. Spruill, Allison, W. Taylor, Brown (Wilkes), J. Taylor, Cabarrus, Campbell, Diggs, Dolvin, B. Spruill, Dawson, Smaw, Fuller, Gardner, Lindley, McDowall, McDowall, Jun., McKinne, Bloodworth, Jenkins, Dickson, Singleton, Gains, Withrow, Jas. Stewart, Coffin, Tatham, Starkey, Davie, Webb.—48.

On the question shall the Bill to amend an Act entitled "an Act to remove all disabilities from Simon Cleary & others therein named," pass or not pass, it was resolved in the affirmative; whereupon the Yeas and Nays were required by Mr. Spaight, which are as follows, vizt:

Yeas—Messrs. Wood, Nixon, Lanier, Oliver, Dauge, Grove, Horn,

Sawyer, Copeland, Dickins, Anderson, J. Stewart, Gowdy, W. Baker, Eborn, Smithwick, J. Bryan, Phifer, Kendall, Thomas, Peebles, Mebane, Everagin, Carson, Stanfield, Bethell, Waddell, Maxwell, Scott, Dodd, Holmes, L. Spruill, W. Taylor, Jones, B. Sanders, Franklin, Brown (Wilkes), Steele, J. Taylor, Cabarrus, Campbell, Diggs, Dolvin, B. Spruill, Vaughan, Hill, Marshall, Henderson, J. Baker, Wynns, Brown (Bladen), Smaw, Gardner, Lindley, Yancey, McDowall, McDowall, Jun., McKinne, Bloodworth, Cain, Jenkins, Dickson, Gains, Barnes, Withrow, James Stewart, Coffin, Tatham, Starkey, Randal, Davie, Lewis, Dupree, Webb, Pearson.—75.

Nays—Messrs. Montgomery, Pierce, Polk, Harvey, Hays, Spaight, J. Sanders, Whitfield, N. Bryan, Leonard.—10.

The Bill to amend an Act entitled “an Act to encourage the building of Public Mills, and directing the duty of Millers,” was read the Second time and rejected.

Ordered that Mr. W. Hawkins have leave to absent himself from the Service of this House after Monday next.

Received from the Senate the Memorial of Edmund Blount. Endorsed, read and referred to the Committee on Judge Ashe’s Memorial; which being read was referred as by the Senate and returned.

Received from the Senate the Resolve of this House requesting His Excellency the Governor, to grant a pardon to Thomas Vail & directing the Attorney General to enter a *Nolle prosequi* on the bill of Indictment, Concurred with by that House.

Received from His Excellency the following Message :

To the Honourable the General Assembly :

Gentlemen :

I have this day been favored by Colo. Burton with the requisition of Congress for 1788, and also a Resolution of Congress respecting the Cession of Western Lands to the United States; and altho’ these papers have not been officially received from Congress, yet, being under the signature of the Secretary, I take the liberty of laying them before you with the Journal of Congress from the first Monday in November, 1786, to the 25th of September, 1787.

RD. CASWELL.

15 December, 1787.

Agreeable to the resolution of yesterday requesting the Delegates now in Town to lay before the Assembly, the present State and Cir-

cumstance of the Union, &c., The Honble. Robert Burton, William Blount and Benjamin Hawkins, Esquires, Delegates, attended, when Mr. Hawkins presented the following address, vizt.:

To the Honorable the General Assembly:

Gentlemen:

We received the commands of the Honourable the General Assembly last evening to lay before you this morning "The present state and circumstances of the Union," and altho' the time limited to us is short, yet we shall endeavor to make a statement as in our opinion may answer the object of your request. The subject is of great latitude, but we have tried to view it in the most interesting point of light.

All the resolutions of Congress, with the letters of your Delegates, have been laid before you, and Mr. Hawkins attended at the opening of the session expressly for the purpose of assisting in arranging of them and to throw such further light on them as might serve to explain any ambiguities, but they were ordered to be committed without a reading.

A narrative of transactions, other than the connecting of these papers together, we feel ourselves bound to give, and shall do it accordingly from notes which we must reserve to ourselves.

To describe the present state and circumstances of the Union, we may declare in one word that we are at the Eve of a Bankruptcy and of a total dissolution of Government. Since the close of the War there has not been paid into the General Treasury as much money as was necessary for one year's interest of the domestic and foreign debt, and Congress have been reduced to the dreadful alternative of borrowing principal to pay interest. Our efforts at home to this end were ineffectual; abroad where we were not known and where enthusiasm for liberty enrolled us among the most deserving of mankind, we were more Successful. The deception cannot be much longer kept up and unless something can be done before the close of the ensuing year we must cease to be a United Government. Our friends must give us up, and we shall become a laughing stock to our enemies.

The annual requisitions are so partially attended to by the States that our foreign and domestic embarrassments have accumulated beyond the possibility of being retrieved by other means than the punc-

tual compliance on the part of the States. Congress, in their persevering desire of doing justice to their Creditors and supporting the Federal Government, have tryed every possible means in their power. The sale of the Western land has gone and will go a great way in discharge of our domestic debt, but our foreign debt is increasing and the best way of Judging of the possibility of soon discharging of it is by our own exertions in five years. We have made one payment, something less than forty thousand dollars, and the Schedule of requisitions will shew the deficiencies of the States respectively.

On the subject of the Treaty, you have every thing necessary to be said in the circular letter accompanying the resolutions of the 13th of April, with which several of the States have complied.

On the settlements of accompts, you have the ordinance of the 13th May, and the subsequent Resolution of the 28th of July, which will wind up the whole expences of the War on principles perfectly equitable. Several of the States are far advanced in their settlement, and we have reason to expect the Commissioner for settling our accompts will very soon give us notice of his attendance.

The Subject of the Navigation of the Mississippi is of so delicate a nature that we cannot commit it to paper. We are only at liberty to say that it has been seriously agitated, and that it has claimed and we presume it will continue to claim the serious attention of your Delegates. We can say in general, the conduct of Spain on this subject is not liberal, and we presume it would be very different if they thought us a more formidable neighbour.

Having mentioned the western lands we must add that Sales already made will Sink near five millions of Dollars of the Principal of the Domestic debt, and that the States generally, who have ceded Western lands or who claim a share in them, complain pointedly and heavily against North Carolina and Georgia for claiming a part of the lands in the possession of Congress without ceding any part of their claims.

To close our remarks, a change of measures for the consolidation of the Union in which is involved our prosperity, felicity, safety and perhaps our national existence, is so obvious that the whole of the Union, Rhode Island excepted, have appointed their deputies in Convention for that purpose; the result of their deliberations you have had before you, whether the plan adopted by them is the proper

one will depend in the sense of a Convention of Delegates in each State by the people thereof.

We have the Honor to be, with great respect, your Hbl. Servts,

RO. BURTON,
WM. BLOUNT,
BENJAMIN HAWKINS.

15 December, 1787.

Ordered that the foregoing address from the Delegates, together with the Message from His Excellency the Governor, inclosing the requisitions of Congress for the year 1788, & other papers therein referred to be referred to the Committee on Finance.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

Herewith you will receive an address from the Honourable Robert Burton, William Blount and Benjamin Hawkins, Esquires, late Delegates from Congress, accompanied by a Message from His Excellency the Governor, inclosing the requisitions of Congress for the year 1788, and other papers therein mentioned, all of which we propose referring to the Committee of Finance.

Received from His Excellency the Governor the following Message:

To the Honourable the General Assembly:

Gentlemen:

I have the Honor to lay before you a letter from Colo. Richard D. Spaight requesting to know in what manner the different Companies of Artillery are to be supplied with Field pieces, and how the expence which may be incurred by the transportation of the pieces and putting of them in proper order for Service, is to be defrayed.

I have been informed that there are several Field Pieces belonging to the Public, at Salisbury, and I believe there are some others in different parts of the State; as I have no returns of them it is not in my power to give you full information on the Subject, but presume that may be obtained from the Members in your Honourable Body.

You will be pleased to consider these matters and do therein as you think proper.

RD. CASWELL.

15 December, 1787.

Ordered that the foregoing Message from His Excellency the Governor, & the Letter therein referred to, be referred to a joint Committee, that Mr. Cabarrus, Mr. Steele, Mr. Davie & Mr. Sanders be a Committee, on the part of this House, for that purpose.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree to ballot at 4 O'clock this afternoon for the Councillors of State yet to be made choice of;

For Delegates to represent this State in Congress the ensuing year, and to supply the places of those resigned, and for a Judge of the Court of Admiralty for Port Beaufort. We approve of your Propositions.

We also propose that a Judge for the Court of Admiralty be now appointed for the port of Swannsborough, and nominate to that office Robert Snead.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We are now ready to proceed to the Balloting for Delegates and Councillors, & propose that this business be immediately entered on; Mr. Franklin & Mr. Wynns will superintend the balloting.

The House adjourned till Monday morning 10 o'clock.

MONDAY, 17 December, 1787.

The House met according to adjournment.

Mr. Franklin, from the joint Balloting for Delegates, &c., Reported,

That Hugh Williamson and Robert Burton, Esquires, were Elected Delegates to serve for the remaining part of this Year's Delegation; and

James White, John B. Ashe, Benjamin Hawkins, John Stokes and Hugh Williamson, Esquires, Delegates to represent this State in Congress for the ensuing year;

That John Skinner and Thomas Brown Esquires, were Elected Councillors, and John Hawkes, Esquire, Judge of the Maritime Court for Port Beaufort;

That one Delegate and one Councillor is yet to be Elected.

The House taking this report into consideration concurred therewith.

Received from the Senate a letter from the Honble. Benjamin Hawkins, Esq., one of the Delegates from this State in Congress, addressed to the Honble Alexander Martin, Esq., Speaker of the Senate, and the Honble John Sitgreaves, Esquire, Speaker of the House of Commons. Endorsed, In Senate, read & referred to the Committee on Finance; which being read was referred as by the Senate and returned.

Received from the Senate the resignation of Solomon Green one of the Justices of the Peace for Warren county, and Thomas Wadlington one of the Justices for Rutherford County, and the resignation of John Macon as first Major of the light Horse in the District of Halifax. Severally endorsed, In Senate, read & accepted; which being read were accepted by this House and returned.

Mr. Dickins presented the Memorial of Stephen Moore respecting a requisition of Congress, which being read was referred to the Committee of Finance and sent to the Senate.

Received from the Senate the Petition and Acco't of James Miller of Rutherford County. Endorsed, read and referred to the Committee of Claims; which being read was referred as by the Senate and returned.

Received from the Senate the report of the Committee appointed to prepare and introduce rules to be observed by the two Houses in future in amending and passing Bills on the third and last reading. Endorsed, In Senate, read & concurred with; which being read was concurred with by this House & returned.

Mr. P. Hawkins moved & was seconded, that the house enter into the following resolution, to-wit:

“Resolved, That it be recommended to the people of this State to authorize and direct their representatives, to be elected for the purpose of deliberating on the Federal Constitution, to take into their serious consideration the second & third Articles of the Constitution of this State and so to alter them that the Legislature may be less expensive and its measures be more stable and uniform.”

The question, will the House enter into this Resolution or not, being put, was Negatived; whereupon, it was moved by Mr. Spaight & seconded by Mr. P. Hawkins, that the Yeas and Nays on the said question be taken, which are as follows Vizt.:

Yeas—Messrs. Ferebee, Dauge, Copeland, Dickins, Anderson, J.

Bryan, Thomas, Scott, Jones, Brown (Wilkes), Harvey, Williams, Carson, Stanfield, Waddell, Maxwell, Cabarrus, Campbell, Vaughan, Hill, Henderson, W. Hawkins, J. Baker, Wynns, P. Hawkins, Jenkins, Spaight, A. Anders, J. Sanders, Whitfield, N. Bryan, Lewis, Hays, Yancey, Humphries, Koen, Pearson, Gardner, Coffin.—39.

Nays—Messrs. Nixon, Lanier, Oliver, Horn, Sawyer, Jo. Stewart, Sheppard, Gowdy, W. Baker, Montgomery, Eborn, Smithwick, Phifer, Peebles, Dodd, Holmes, S. Spruill, B. Sanders, Franklin, Yates, Everagin, Mebane, Bethel, Steele, J. Taylor, Dolvin, Marshall, Smaw, Pickett, Singleton, Gains, Withrow, Jas. Stewart, Tatham, Randal, Davie, Dupree, Leonard, Cox, McDowall, Jun., McKinne, Devane, Tyson, Lindley.—44.

Received from the Senate a Bill to regulate the Inspection of Tobacco in this State. Endorsed, read the Second time & passed.

Received also the Petition of Benjamin Gaylord. Endorsed, In Senate, read and referred to Mr. Reddick, Mr. Overton and Mr. McAllister.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

As I am going out of office it is my wish to settle all of my public transactions, and particularly those respecting Money Matters, so as to leave no kind of room for complaint. I have an Account of some Monies which have come to my hands as a public officer and must shew the application of the same. I have also a Bond in the hands of the Treasurer for the purchase of confiscated property which I mean to discharge, agreeably to a resolution upon my Memorial to the General Assembly in their last Session at Fayetteville, but in Justice to myself and Family, whom every one knows (who was acquainted with my business) I have much injured in Interest by serving the Public, and as I flatter myself that my Public Services, were effected with as much zeal and attention to the Interest and Advantage of the State as those of any other officer, I hope I shall be considered to be entitled to the same justice that the other public officers have received from the hands of the Legislature; I mean such as have had the Depreciation of the Paper Money made good to them, to-wit: Delegates to Congress, former Governors, Judges and others. Under this ex-

pectation I take the Liberty of mentioning my having been in the executive of Government in the years 1777, 1778, 1779, when the Depreciation was repaid; particularly the last year as at the commencement Money was often ten for one, when in order to make my Salary equal to one thousands pounds Specie, the allowance was ten thousand Pounds, at the end of Six Months the Money was at Twenty five for one and at twelve Months end at fifty for one, so that supposing one half to be paid at the end of the first period and the other half the latter, the whole amounting in value to three hundred Pounds only.

Having thus stated matters as they really were, I humbly submit to the General Assembly the propriety of their directing the Comptroller, on the settlement of my Accounts, to allow me for the Depreciation on my Salary in the years 1777, 1778, 1779, in doing which I shall receive that Justice in common with others, which I conceive I am entitled to.

RD. CASWELL.

15 December, 1787.

Ordered that the above Message be referred to the Committee on Finance & sent to the Senate.

The Bill directing the mode of trials upon impeachments, was read the third time, passed and sent to the Senate.

The Bill for making process in Equity effectual against persons who abscond & who reside without the limits of the State and for better regulating the proceedings in Courts of Equity was read the third time, passed and ordered to be Engrossed.

The Bill to extend an Act passed at New Bern the 29th day of December, 1785, intituled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned to build houses in their respective counties for the reception of the Poor, and other purposes," to the several Counties therein mentioned, was read the third time, passed and ordered to be Engrossed.

The Bill for fixing the final settlement of unliquidated claims against the State and against the United States within this State, was read the third time, passed & ordered to be Engrossed.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have been informed the Bill declaring what crimes and prac-

tices shall be deemed Treason has been rejected in the Senate; we conceive it a matter of the utmost importance that some measures should be taken by this Assembly as well to the Safety of the State in General as for quieting the tumults and disorders in the Western parts of this State. We have therefore thought proper to apoint a Committee of ten on our part to act in Conjunction with such of your Body as may be appointed, to point out some method for the effecting of these purposes; the Committee on our part are Mr. Davie, Mr. Steele, Mr. Maxwell, Mr. Spaight, Mr. Starkey, Mr. Campbell, Mr. McDowall, Mr. Mebane, Mr. Hawkins, Mr. Cabarrus.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We do not agree with you in the appointment of a Committee to amend the Bill for selling the Public Buildings in the Town of New Bern, nor do we concur with your resolution on that subject.

Ordered that the Bill empowering Commissioners to make sale of the Pallace and Public Lotts within the Town of New Bern, in manner therein mentioned, lie over until the next Assembly.

Received from the Senate a letter from the Honbl. Samuel Johnston, Esquire, addressed to the Honble. the General Assembly informing of his willingness to accept of the appointment of Governor for the ensuing year.

On reading the Memorial of Silas Cook, Resolved, That the Public Treasurer be and he is hereby directed in the Settlement with the said Silas Cook, Esquire, Clerk of the Superior Court of Law and Equity for the District of New Bern, to allow him Thirty Seven Pounds which appears by the receipt to have been paid to Elijah Robertson on Accot. of an Assembly Certificate granted to Landon Carter out of the fines by him collected, and which payment was endorsed in the said Certificate and assented to by the late Treasurer, and he shall be allowed for the same in his settlement with the public.

Received from the Senate a Bill authorizing and requiring the Sheriffs of the several Counties in this State to bring suit or take in possession, property left by the British, &c. Endorsed, read the second time and passed.

Received also, the Resolution of this House requiring the County Courts to instruct the persons who take the lists of Taxable property within their respective Counties to notify such persons who have

entered or own lands entered in the office of John Armstrong to make return thereof, Concurred with.

Mr. Gowdy, from the Committee to whom was referred the Memorial of Stephen Brooks, Reported as follows:

Your Committee having taken into consideration the Memorial of said Stephen Brooks, with the papers relative thereto, are of opinion that his boat was not impressed according to law and that no Testimony was offered to convince your Committee that he can have any demand for said boat against the Public, and are therefore of opinion that it be rejected. All which is submitted.

WILLIAM GOWDY, Chairn.

The House taking this Report into consideration Concurred therewith.

Received from the Senate the Petition of John Humphries. Endorsed, read and referred as by the Commons.

Rec'd also, the Several papers relative to the Suspended Justices in New Hanover County. Endorsed, read & referred to Mr. Mitchell, Mr. Willis & Mr. Kenan.

The Bill to regulate the Inspection of Tobacco in this State was read the third time, passed and sent to the Senate.

Whereas, it hath been represented to this General Assembly that the Superior Court of Law and Equity for the District of Morgan hath never been attended by any but one of the Judges, that in consequence thereof many Suits remain undetermined to the great distress and injury of Suitors; wherefore,

Resolved, That the Judges be and they are hereby required to give their attendance at said Court, that the business therein may be dispatched and Justice duly administered in said Dictriect.

Received from the Senate a Bill directing the duty of Naval officers, and of all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the third time & passed.

The Bill authorizing and requiring the Sheriffs of the Several Counties in this State to bring suit, or take in possession, receive and make sale of all property left by the British in this State during the late War, was read the third time, passed and sent to the Senate.

The Bill for hiring out Persons convicted on Indictment or presentment & not being able or Willing to pay the fine & fees of office, was read the second time, passed and sent to the Senate.

Received from the Senate a resolution of that House directing the Public Treasurer to pay Daniel Colebreath Forty Two Pounds fourteen Shillings and three pence, in consequence of the Report of a Committee in his favour; which being read was concurred with and returned.

Received from the Senate a resolution of that House for suspending Henry Spears a Justice of the Peace, from the exercise of his office, which being read was concurred with and returned.

The Bill to enable the County Courts to appoint Commissioners to keep open rivers and creeks at their several falls, so far as they think necessary, for the passage of fish up the same, was read the second time, amended, passed and sent to the Senate.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We think proper to inform you that Colo. Burton desires his name may be omitted in the nomination next to be made for the election of a Delegate yet to be chosen for the ensuing year.

Ordered that Mr. P. Hawkins have leave to absent himself from the service of this House after this day.

Ordered that the Report of the Committee on the representation of John Haywood, Esquire, relative to the Misapplication of Tobacco, be taken up to-morrow Morning.

The Bill for altering the times for holding the County Courts of Edgewcombe, Halifax and Pitt, and for altering the mode of appointing Field Officers in the several Counties in this State, was read the third time, amended, passed and sent to the Senate.

The Bill for levying a Tax in the County of Brunswick for the purpose of building a Gaol therein, was read the second time, amended, passed & sent to the Senate.

Mr. Davie, from the Committee to whom was referred His Excellency the Governor's Message, and papers relative to Pardons, delivered in the following Report, to-wit:

Your Committee to whom were referred the Message of the Governor, and papers relative to the Pardons of Alston and Smith, and the reprieve of Atkinson, beg leave to report,

That His Excellency, in the case of Alston, Complied with a resolution of the General Assembly passed at New Bern December

19, 1785, recommending the said Philip Alston as a proper object of public clemency.

With respect to the reprieve granted to Atkinson, we are referred by the Message to the Petition of the Members of Assembly signed at Fayetteville during the last Session of Assembly. This Petition was addressed to the Governor with a preface of their public capacity and signed by a large number of the Members, who, from misinformation or humanely had been induced to adopt this mode of application too weighty and respectable to be disregarded.

The Petition for Smith, who was convicted at the last Hillsborough Court of the Murder of Elizabeth Sparks, was signed by a majority of the Jury who passed on his trial and a few others, with a State of the Testimony endorsed on the Petition by Judge Ashe, which he concludes with this observation, "that Smith was guilty of the greatest inhumanity in beating a helpless Woman so cruelly, but did not think from the whole transaction he intended to take her life." As this helpless woman was murdered by beating her with a stick or Switch and riding over her with a Horse, the conduct of Smith appears to have been cruel and deliberate. Yet the above opinion of the Judge carried with it official weight, which joined by the common feelings of humanity, without doubt justified the interposition in the eye of the Executive, and will probably excuse him to the Public.

Your Committee beg leave to remark that this power, which our Constitution has placed in the Supreme Executive, should be exercised with great discretion. That pardons improperly and too frequently granted inspire Wicked Men with not only hope, but confidence of impunity, relax the Administration of the Laws and deprive the Citizen of that Security expected from Society and Government.

WILLIAM R. DAVIE, Charrmn.

The House taking this report into consideration Concurred therewith and Resolved, That the Public Printer publish in the State Gazette His Excellency the Governor's Message, the report of the Committee and Judge Ashe's Certificate of the case of Smith.

Adjourned till 4 O'clock.

Met according to adjournment.

Mr. McDowall presented the Petition of Sundry of the Inhabitants of Burke County, praying a division thereof, which being read was ordered to lie over until the next Assembly.

Received from the Senate the Petition of Charles Harrington. Endorsed, read & referred to the Committee of Claims; which being read was referred as by the Senate and returned.

Ordered that Mr. Everagin have leave to absent himself from the service of this House.

Received from the Senate the resignation of John Smithson one of the Justices for Pasquotank County. Endorsed, read & accepted; which being read was accepted by this House and returned.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

Mr. Martin, Mr. Robeson, Mr. Lenoir, Mr. Harget, Mr. Kennedy and Mr. Gallaway will act jointly with the Gentlemen by you appointed, to report what measures are necessary to be adopted by the General Assembly for quieting the disorders in the Western parts of the State.

Received from the Senate the following Reports. Endorsed, read & concurred with; vizt.:

On the Petition of Richard Sears;

On the Petition of Spyers Singleton;

On the Petition of the Inhabitants of Moore County in favour of Thomas Matthews.

The above reports being read were concurred with & returned.

Received also, a Report on the Petition of Mary Richards, and a Report on the Petition of James Christian. Endorsed, read & concurred with; which being read were concurred with by this House and returned.

Received from the Senate the resignation of William Sumpter a Justice of the Peace. Endorsed, read and accepted; which being read was accepted by this House and returned.

Received also the Petition of Daniel Shaw. Endorsed, read & referred to the Committee of Propositions and Grievances; which being read was referred as by the Senate & returned.

Received from the Senate the report of the Committee on the Memorial of Stephen Moore. Endorsed, read & concurred with; which being read was concurred with & returned.

Received from the Senate a resolution of that House directing the Treasurer to delay issuing any process or commencing any Suit against the Administrators of Andrew Blanchard, until after the next Assembly, which being read was concurred with & returned.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

It is the opinion of this House that the Committee of Finance be directed to report a full state of the Indian affairs, now under their consideration, from the issuing of the Warrants for the purchase of Goods to be applied in that department to the present time.

Received from the Senate a Bill to direct the application of such Public Tobacco as already is or may be hereafter purchased by the Commissioners for that purpose appointed by the last General Assembly, &c. Endorsed, read the second time and passed.

Received a Bill for revising & collecting the acts of the General Assembly of the State of North Carolina. Endorsed, read the third time & passed.

Received from the Senate the Resolution of this House directing the Treasurer to allow Silas Cook in his settlement Thirty Seven Pounds, and a resolution directing the Judges to attend the Superior Court of Law and Equity in Morgan District. Endorsed, read and concurred with.

Received from the Senate the Memorial of Stephen Moore, and His Excellency the Governor's Message, respecting the Depreciation of His Salary. Endorsed, read & referred as by the Commons.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We agree that the Committee of Finance be directed to report on the State of the Indian affairs as by you proposed.

Received from the Senate the report of the Committee on the Petition of the Inhabitants of Rowan County. Endorsed, In Senate, read & concurred with; which being read was concurred with and returned.

Mr. Gowdy from the Committee to whom was referred the Memorial of Joseph Cain delivered in the following report;

The Committee to whom was referred the Memorial of Joseph Cain, late Treasurer of the District of Wilmington, Report,

Your Committee upon the examination of the Memorial of the said Joseph Cain, with the papers to support the same, find by an affidavit of the said Cain that he did pay the sum of fifty Pounds to a Certain Sergeant Morrison, agreeable to a resolve of the General Assembly in favor of said Morrison, and that up on his application to the Comptroller he would not allow him the amount until he procured a receipt from said Morrison. Your Committee are of opinion that the Comptroller be directed to allow the remaining Sum of Twenty-five Pounds in the Settlement of the said Treasurer's Accounts as the resolve will always be sufficient to bar said Morrison from any further claim.

Your Committee are further of opinion that all that part of the Memorial, as far as relates to a voucher lost which was obtained from Sarah White, be laid over until the next Assembly, and that the Comptroller be directed to indulge said Treasurer until that time in order that he may have it in his Power to procure the said Voucher if to be had, as it is suggested by an affidavit made by the said Joseph Cain that it is probable that said Voucher may be now in the Comptroller's office; all which is submitted.

WILLIAM GOWDY, Chairman.

The House taking this report into consideration concurred therewith.

Received from the Senate the Report of the Committee on the Memorial of Stephen Brooks. Endorsed, read & concurred with.

Received from the Senate the Message from His Excellency the Governor, on the Letter from Colo. Spaight. Endorsed, In Senate, read & referred to Mr. Kenan, Mr. Harget & Mr. Gregory.

Whereas, it appears that a certain Shadrick Abbott, convicted of an assault, &c., was fined Twenty-five Pounds and judged that he should remain Twelve Months Imprisoned and give Security for his good behaviour Seven Years; and it appearing that he has now been imprisoned upwards of two years at the expense of the Public without any prospect of paying the fine or procuring Security,

Resolved, That the fine imposed on the said Shadrick Abbott be remitted, and that the said Shadrick stand released and discharged from the remainder of the said Judgment.

The House adjourned till To-morrow Morning 9 O'clock.

TUESDAY, 18 December, 1787.

The House met according to adjournment.

The Bill for electing Wardens of the Poor, was read the third time and rejected.

Resolved, That Henry Thompson, keeper of the Public Gaol of Hillsborough District, be allowed the sum of Eighty-four Pounds three Shillings and Six pence for Victualing Sundry Prisoners, committed to and confined in the said Gaol; That the Treasurer pay him the same and be allowed in the settlement of his Public Accounts.

The Bill to vest the title of a certain Tract of Land therein mentioned in John Johnston, was read the second time and rejected.

The Bill to empower the Wardens of the Poor for the County of Currituck, to levy a Tax to enable them to settle the arrears due from the said County to persons who have supported the Poor, was read the first time, passed and sent to the Senate.

The Bill to ascertain the Sheriffs fees in this State, was read the Second time and rejected.

The Bill to effect the cutting and clearing a road from the lower end of Clinch Mountain to the Cumberland Settlements and for preserving the peace and granting Safety to the Inhabitants thereof, was read the third time, passed and ordered to be Engrossed.

The Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina, was read the third time, passed and ordered to be Engrossed.

Mr. Smaw presented the Memorial of John Gray Blount, which being read the House came to the following Resolution, vizt:

Whereas, the General Assembly at their Session at Fayetteville passed a resolve directing the present Commissioner to sell all such lands as had been sold by Benjamin Sheppard and the Law not fully complied with, in consequence of which resolution the present Commissioner for the District of New Bern has sold all the Lands under the aforesaid description, whereby the former purchasers are deprived of the Lands and the Public still have possession of their Bonds.

Resolved, That the Comptroller be and he is hereby directed in all cases where the Commissioner has resold the Lands, agreeable to the aforesaid resolution, to restore or cancel the Bonds given by the former purchasers.

The Bill to empower the Court of Pleas and Quarter Sessions in the County of Perquimans to lay a Tax for the purpose of repairing the Prison and building a Gaoler's House in the County aforesaid, was read the third time, passed and sent to the Senate.

Ordered that the Bill to establish an Inspection of Tobacco at Murfreesborough, lie over until the next Assembly.

Mr. Davie, from the Committee of Finance, delivered in the following Report, vizt:

Agreeable to an order of the Committee of Finance I beg leave to submit to the House the annexed report from the Treasurer, respecting the balances due from the several Collectors of the Imposts, with the following Resolutions:

Pursuant to the application of the Committee of Finance the Public Treasurer furnishes them with the following as being the balances due from the several Collectors of the Imposts, so far as he is able to ascertain the same from the settlements made with the late Treasurer and himself, to-wit: On the first day of November, 1787, to which time the Books of the Treasury are posted up, it appears that,

James Reed, Esquire, Collector of Port Brunswick, is accountable as per returns made up to the 4th April, 1786, for two Thousand Nine hundred & twelve pounds Sixteen Shillings & nine pence after Crediting him by his payment.....£2,912 16 09

John Daves, Esquire, Collector of Port Beaufort, is Accountable for twelve hundred & three pounds fourteen Shillings and five pence 3-4 as per return made up to the 31st July, 1786, being the balance reported against him by the late Treasurer.....£1,203 14 05 $\frac{3}{4}$

Amount carried forward 4,116 11 02 $\frac{3}{4}$

Amount brought forward.....£4,116 11 02 $\frac{3}{4}$

Nathan Keais, Esquire, Collector of Port Bath, is accountable for Seven Hundred and Eighty Six Pounds eleven Shillings and Seven pence as per returns up to 28 November, 1786.....£786 11 7.

Thomas Benbury, Esquire, Collector of Port Roanoke, is accountable for three thousand one hundred and Twenty five Pounds eleven Shillings and ten pence as per returns made up to the 3rd of July 1786, being the balance reported against him by the late Treasurer £3,125 11 10.

Samuel Ferebee, Esquire, Collector of Port Currituck, does not

appear to have furnished any returns from the time of his appointment until this day, from whence it has followed that he could not be charged. He has credit on the late Treasurer's books for Fifty Pounds only, to the present Treasurer he has neither made return of paid any Money.....£8,028 14 7 $\frac{3}{4}$

John McCulloch, Collector of Port Swannborough, has neither made return nor paid Monies to the Treasurer since the time of his appointment.

Since the first day of November last the following payments have been made, to-wit:

By John Daves, Esquire, in Grants and Warrants to be placed to his credit in his Account of Arrearages, including under that description the balance as well as all debts arising previous to the appropriation Act	£2,001 4 8
By ditto in cash	1,494 2 0

£3,495 6 8

By Nathan Keais, Esquire, in Grants & Warrants to be placed to his credit on his Account of Arrearages, including under that description the balance reported as well as all debts arising previous to the appropriation Act

By ditto in cash to be placed to his Account for the Current year when properly rendered.....	£456 00 00
	508 12 00

£964 12 00

By Thomas Benbury, Esquire, to be placed to his credit in his Acct of Arrearages, including under that description the balance reported as well as all debts arising previous to the appropriation Act. £1,022 0 3.

Since the first day of November last returns have been made for the year 1787 by Mr. Daves, Mr. Keais & Mr. Benbury, but as those returns included the duties payable as well for a part of the last as the present year, they were deemed inadmissible on account of the appropriation Law, from which cause those Gentlemen have not yet been charged on the Treasurer's Books for the year 1787. It is however to be remembered, that from the face of the return made by Mr. Daves it would appear that Gentleman has fully accounted for

the Monies which have come into his Hands, making him a due allowance for the Suits depending and Bonds not yet payable.

Mr. Keais also, at the time of making his last payment declared his intention of balancing his Accounts without delay and urged his reason for not doing so at that time that there were many Judgments obtained for which he had not received the Money. Mr. Benbury is in Town and says he intends to make further payments.

Capt. Read I have long expected and have no doubt but he will come prepared to pay a large proportion of his arrearages as he has assured me he would do so; that he has not yet come, is I suppose, owing to some casualty. As to the other Gentlemen concerned, I know nothing of their intentions.

JOHN HAYWOOD, Public Treasurer.

Resolved, That the Treasurer be and he is hereby directed and required immediately to commence Suit against such of the Collectors of Imposts as are or may be in arrears on the passing of this Resolution, and where such arrears may exceed the Penalty of the bond given by such Collector the Treasurer shall proceed for the recovery of the same as the Attorney General shall direct.

And whereas, Samuel Ferebee, Collector of Port Currituck, has never made any return from the time of his appointment until this day, so that he could never be charged on the books of the Treasury, and has never paid any Monies except fifty Pounds; And whereas; John McCulloch, Collector of Port Swansborough, has neither made returns nor paid any Monies to the Treasurer;

Resolved, That the Treasurer do immediately proceed, agreeable to the Acts of Assembly in such cases made and provided to compel the said Samue Ferebee and John McCulloch to make the necessary returns and account agreeable to Law.

WILLIAM R. DAVIE.

The House taking this Report into consideration concurred therewith.

The Bill for hiring out persons convicted on Indictment or presentment and not being able or wiling to pay the office or Gaoler's fees, was read the third time, passed and ordered to be engrossed.

Received from the Senate the Resolve of this House allowing Henry Thompson, Public Gaoler of Hillsborough District, the sum

of Eighty four Pounds three Shillings & Six Pence; and the resolve for liberating Shadrick Abbott from his confinement in Gaol. Endorsed, read and Concurred with.

Ordered that the additional Bill to an Act entitled "an Act to amend an Act intitled an Act to impower the County Court of Pleas and Quarter Sessions of the several Counties in this State to order the laying out Public Roads," &c., be laid over until the next Assembly.

Received from the Senate the Report of the Committee on the Petition of Martha Mitchell, and the report on the Petition of John Crawford. Endorsed, read & Concurred with; which being read was concurred with and returned.

Received also, the report of the Committee on the Memorial of Edmund Gamble, which being read was rejected.

Ordered that the Clerk of this House transmit a Copy of the resolution respecting the Judges attendance at Morgan Superior Court, Signed by the Speakers, to each of the said Judges as early as possible.

Received from the Senate a Resolution of that House allowing Hardy Jones fifteen Pounds; which being read was concurred with and returned.

The Bill to amend an Act to regulate the Town of Salisbury, and for authorizing Commissioners in the Town of Halifax to levy a Tax on the Slaves within the liberties thereof, was read the second time, amended, passed & sent to the Senate.

Received from the Senate the Report of the Committee on the Memorial of Joseph Cain, Concurred with by that House.

Received also, the following reports Concurred with, to-wit:

On the Petition of John Justice;

On the Petition of John Willis;

On the Petition of Jeremiah & Robert Fields;

On the Petition of Ann Fields;

Resolved, That the Secretary be directed to issue a Warrant for Nineteen Hundred and Twenty Acres of Land to the Heirs of Patrick Campbell, late an Ensign of the Continental line of this State, it being the quantity they are entitled to on account of his bounty Land.

On reading the representation of Bryan Whitfield, Esquire, one of the representatives for Dobbs County,

Resolved, That John Sheppard one of the Justices of Dobbs County, lately convicted of sundry crimes and misdemeanors rendering him unworthy of the said office, be and he is hereby declared to be suspended from the exercise and authority of the office of a Justice of the Peace for the said County, and

Resolved further, That the County Court of Dobbs cause this resolution to be entered on the records.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

These reports being read were concurred with & returned.

This House have directed that the estimate of expenses and allowances of the present Session be made up so as to include Friday next, and that the allowance for members' attendance be at the rate of Twenty Shillings per day.

Received from the Senate a Resolution of that House directing the Public Treasurer to take up and discharge agreeable to the scale of depreciation, a loan office certificate in favour of Frederick Fisher, &c.; which being read was rejected, whereupon the House came to the following Resolution, to-wit:

Whereas, divers persons in the year 1782 have purchased confiscated Lands and given Bonds for one third of the purchase money payable at the expiration of five years; and whereas, as well the said purchasers as others, have in their possession Loan Office Certificates issued for Money lent on Interest to this State,

Resolved, That the Treasurer shall, and he is hereby directed to receive all such Loan Office Certificates in discharge of the said Bonds, reducing the sums therein specified to the value of the present Currency, according to the Scale of depreciation established by Law, regard being had to the dates of the respective Certificates which, when received by the Treasurer shall be vouchers for him in the settlement of his public Accounts.

Mr. Bloodworth, from the Committee to whom was referred the Petition of Winston Caswell & William White, Executors of the last Will and Testament of William Caswell, deceased, delivered in a Report, which being amended was agreed to as follows, vizt:

The Committee to whom was referred the Petition of Winston

Caswell and William White, Executors of the last Will and Testament of William Caswell, deceased, Report:

That on taking under consideration the representation of the said Executors which appear to be legally supported, are of opinion that a judgment was by them obtained against John Lowry, a person whose Estate was confiscated and sold for the use of the State pursuant to an Act of the General Assembly passed in May, 1782, on five years Credit, under which said property sold for the sum of one hundred Pounds Specie, and the Bond for the same is now in the Treasurer's hands, as was made appear to the satisfaction of your Committee.

And as your Committee cannot by any means consent to pay Money out of their Treasury, when for the same they have nothing other than a Bond, are of opinion that the said Winston Caswell and William White be paid the Sum of Sixty Nine Pounds Nineteen Shillings and Six pence, which is the amount of their Judgment against the said Lowry, out of the Bond aforesaid whenever the said bond is paid into the Treasury.

JOHN EASTON, Chm.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose balloting to-morrow evening at 4 o'clock for one person to represent this State in Congress the ensuing year, for one Councillor, for a Brigadier General for the District of Fayetteville, for the officers of Cavalry in that District and for the officers of Cavalry in the other Districts who are to supply the places of those resigned.

We nominate for Delegates the two Gentlemen who had the greatest number of votes on the last balloting and for Councillor the two Gentlemen who had the greatest number of Votes on the last balloting.

For Brigadier General of the District of Fayette, James Thackston, Richard Clinton & Henry W. Harrington.

For Colo. of Cavalry in the same District, Thomas Overton, Richard Clinton, Captain John Willis.

For First Major, David Dodd, Esquire.

For Second Major, John Porterfield.

For Colo. of Cavalry of Washington District, Robert Hays, Landon Carter.

For Second Major of Cavalry in Wilmington District, David Jones.

For First Major of Cavalry in Halifax District, Durham Hall.

For Second Major, Robert Fenner.

We propose further that a Judge for the County of Davidson be balloted for at the same time, and nominate Josiah Love, John Macnary, Howell Tatham.

Received from the Senate a Letter from Martin Armstrong, addressed to the Honble. Speakers of the General Assembly. Endorsed, read & referred to Mr. Bledsoe, Mr. Person & Mr. Gallaway, which being read was referred to the next Assembly.

Adjourned till 4 O'clock.

Met according to adjournment.

Received from the Senate a Bill for the more regular collecting and accounting for the revenue of this State, for allowing the Public Treasurer a Clerk and for the Collection of Arrearages. Endorsed, read the second time & passed.

Received from the Senate the Report of the Committee on the Petition of George Henry Berger, and the report on the Memorial of Micajah Thomas, Administrator on the Estate of Colo. Tho. Hunter. Endorsed, read & concurred with, which reports being read were concurred with by this House and returned.

Received from the Senate the Report of the Committee on His Excellency the Governor's Message, respecting pardons; and the Report of the Committee of Finance on the report made by the Public Treasurer of the balances due by the Collectors of Imposts, &c. Endorsed, read and concurred with.

The House resumed the consideration of the report of the Committee on the Memorial of Edmund Gamble, when it was read, debated, concurred with by this House, & returned to the Senate.

The Bill for the more regular collecting and accounting for the revenue of this State, for allowing the Public Treasurer a Clerk, and for the Collection of Arrearages, was read the second time, amended, passed & sent to the Senate.

Mr. Horn presented the Petition of George Ryan, praying, &c., which being read was ordered to be referred to the next Assembly.

Received from the Senate a Bill for levying a tax for the support of Government, and for the redemption of the old Paper Currency, Continental Money and Specie, and other Certificates. Endorsed, read the second time, amended & passed.

Mr. Steele, from the Committee to whom was referred the Memorial of William Alexander, delivered in the following Report, to-wit:

Your Committee to whom was referred the Memorial of William Alexander of the County of Rowan, beg leave to report, That on the Tenth day of September, 1777, the said Alexander being in the Service of his Country under command of General Rutherford, on an expedition against the Cherokee Indians, was shot through the foot in an engagement with the Indians on the Seven Mile Mountain. That no Hospitals being at that time established for the reception of the wounded by public authority, Mr. Alexander was conveyed to Salisbury and committed to the care of Doctor Newman at his own private expense. That fifteen Months expired before he recovered of said wound, notwithstanding the uncommon skill and attention of the Surgeon. That Mr. Alexander's estate has not only suffered very considerably during his absence for the want of his personal services, but the necessary expense to effect a recovery was truly oppressive to a man in his circumstances. That the said Alexander has ever since been so disabled as to be incapable of labour, and he has a numerous family. Your Committee in consideration of the above facts, and as Mr. Alexander deserves well of the public and has been much injured in its service, beg leave to recommend that the Secretary be directed to grant five Warrants of two hundred Acres each, unto the said William Alexander for one thousand Acres of Land in the boundary allotted to the Soldiery of this State, which will be but a moderate compensation for essential Services performed for, and a real injury sustained in the defence of his country. All which is submitted.

JOHN STEELE, Chairman.

The House taking this report into consideration concurred therewith.

Mr. Steele, from the Committee to whom was referred the Memorial of Margaret Balfour, delivered in the following report, vizt:

Your Committee to whom was referred the Memorial of Margaret Balfour Report, that in the year 1782 Colo. Andrew Balfour of

Randolph County, was inhumanely murdered in his own house by some of the enemies of this Country for his attachment to the cause of freedom. That at different times his property was plundered so as to reduce his helpless family to indigence. That from various circumstances it appears the said Colo. Balfour had considerable demands against this State for supplies furnished the Army. That in consequence of the death and the loss of his vouchers no allowance has been made to his family for the same. That a small annual sum would therefore not amount to as much as the State has saved by the loss of the aforesaid papers.

Your Committee thereupon beg leave to recommend that the Sum of Ten Pounds per annum be paid by the public to Margaret and Elizabeth Balfour for five years, to be by them appropriated and disposed of for the education of Andrew Balfour the only son of said Colo. Balfour, deceased. All which is submitted.

JOHN STEELE, Chairman.

The House taking this Report into Consideration Concurred therewith.

The House adjourned till To-morrow Morning 9 o'clock.

WEDNESDAY, 19 December, 1787.

The House met according to adjournment.

Ordered that a writ of Election issue to the County of Beaufort to Elect one Member of this House in the room and place of John Bonner, Esquire, deceased. That the said Election be held on the last Friday and Saturday in March next.

Received from the Senate a Bill for levying a Tax in the County of Brunswick for the purpose of building a Gaol therein. Endorsed, read the Second time & passed.

Received also, a Bill to regulate the Town of Salisbury and for authorizing the Commissioners in the Town of Halifax to levy a Tax on the Slaves within the liberties therein, and

A Bill to enable the County Courts to appoint Commissioners to keep open rivers & Creeks at their several falls, so far as they think necessary, for the passage of fish up the same. Endorsed, read the third time & passed.

Resolved, That His Excellency the Governor, be requested previous to his going out of office, to issue Commissions to all the

Persons appointed Justices at this Assembly and that the Clerks furnish him without delay with lists of the names of the persons appointed for the several Counties.

Resolved also, That he be requested to issue Commissions to all Sheriffs and Militia officers in this State already appointed and who have not as yet been Commissioned.

Mr. Davie presented the Memorial of Nicholas Long, which being read was referred to Mr. Stewart and Mr. Jones, and sent to the Senate.

Mr. Mebane presented the Petition of Timothy Bloodworth, Esquire, which being read, and a Certificate from Francis Child, Comptroller, being also read, the House came to the following resolution, to-wit:

Resolved, That the Comptroller be directed to bring suit against William McRee, Sheriff of Bladen County, for the Sum of one thousand nine hundred and forty Seven Pounds ten Shillings and four pence, which appears to be due in Certificates from the said Sheriff to the State.

The application of Francis Child, Comptroller, respecting the Sense of the General Assembly as to his receiving payments of Persons who have had balances reported by the Comptroller heretofore against them, being read was referred to the Committee of Finance, and sent to the Senate.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

It is also our opinion that the estimates of the present Session be made up to include Friday next agreeable to the Sum mentioned in your Message.

Mr. Speaker & Gentlemen:

We agree to ballot To-morrow Evening at 4 O'clock for the Delegates to Congress and Councillor of State yet to be made choice of, and for the several Military and Civil officers mentioned in your Message. We approve of the whole of your nominations and add thereto Thomas Polk, Esq., for Delegate the ensuing year, and Robert Rowan for Brigadier General of the District of Fayette.

We propose that a Vendue Master for the Town of Fayetteville be ballotted for at the same time, and a judge of Maritime Court for the Port of Swannsborough, and nominate for Vendue Master

Lewis Barge and James Moore; for Judge, Robert Snead, Sen.

We also propose, by way of expediting the business, that the Gentlemen in nomination for officers of Cavalry who, in casting up the Poll, shall appear to have the greatest number of votes be returned Elected.

At the request of Col. Clinton we inform you that he is not a Candidate for Colonel of the Horse for the District of Fayette.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have received your Message in answer to ours proposing to ballot this evening for a Delegate, &c. Have acceded to the further proposals made by you on that Subject, and do approve of your nominations.

The Bill to direct the application of such Public Tobacco as already is or may hereafter be purchased by the Commissioners for that purpose appointed by the last General Assembly, and to repeal the Thirteenth Section of an Act intitled "an Act for the regulation of Commerce," was read the second time, amended, passed and sent to the Senate.

Received from the Senate the resolution of this House requesting His Excellency the Governor to issue the Commissions therein mentioned, &c., concurred with.

The Honble. the Speaker laid before the House the following address from the Honble. Samuel Johnston, Esquire.

To the Honble the Speakers of the General Assembly:

Gentlemen:

In consequence of your Letter of the 13th Instant informing me that the Assembly had done me the Honor to elect me the first Magistrate of this State, I now attend to take the Oaths of Law appointed for my qualification and enter upon the duties of that important offices, whenever it shall be agreeable to the Assembly to appoint a time for that purpose.

I have the Honor to be, Gentlemen,

Your most obedient Servant,

SAM JOHNSTON.

19 December, 1787.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

This is accompanied by an address from the Honble. Samuel Johnston, Esquire, in consequence of which we propose that the Speakers of the two Houses acquaint Mr. Johnston that the General Assembly will receive him To-morrow at 11 O'clock, in order that he may qualify as Governor.

The Bill for levying a Tax for the Support of Government, and for the redemption of the old Paper Currency, Continental Money and Specie and other Certificates, was read the Second time, amended, passed and sent to the Senate.

Mr. Bloodworth presented the Memorial of A. Hodge, Esquire, Printer to this State; which being read was referred on the part of this House to Mr. Tatham and Mr. Whitfield and sent to the Senate.

The Bill "To invest a title in fee simple in the legal holders of fortunate tickets in the Lumberton Lottery, in and to such Lotts, or Tenements as have been drawn opposite the said Ticketts, to oblige the holders of such property to pay Taxes for the same as Town property, and to appoint new Commissioners for ascertaining the place and erecting the public buildings of the County of Robeson," was read the first time and laid over till the next Assembly.

Mr. Starkey presented the representation of Richard Blackledge, sitting forth reasons in justification of his Conduct for converting to his own private use a quantity of Tobacco belonging to the Public, without permission; which being read the House, according to order, took up the Consideration of the Report of the Committee to whom was referred the representation of John Haywood relative to the Misapplication of certain Tobacco, which being read and debated, the House came to the following resolution, to-wit:

Resolved, That Richard Blackledge shall deliver to the Governor, within ninety days from the passing of this Resolution receipts from Constable, Rucker and Company for the quantity of Fifty five thousand eight hundred and fifty-five Pounds weight of Merchantable Tobacco, within the description of Tobacco contained in the Contract between said Company and this State; and on failure, the Treasurer shall immediately put his Bond in Suit and take the Speediest method for the recovery of the same; and the whole state

of this transaction, with the report, shall be published at large for three months in the public Gazette.

Adjourned till 4 O'clock.

Met according to adjournment.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We have appointed Mr. Riddick and Mr. Lenoir to superintend the balloting on the part of this House, and are now ready to proceed to the same.

Mr. Ferebee presented the Petition of Griffith Dauge, which being read was referred to the Committee appointed on the Memorial of A. Hodge & sent to the Senate.

The resignation of Samuel Leonard one of the Justices of the Peace for Brunswick county, and Benjamin Brown one of the Justices of the Peace for Hertford County, were read, Accepted by this House and sent to the Senate.

Mr. Humphries presented the Petition of Matt. Dawson, which being read was ordered to lie on the Table until the next Session of Assembly.

Whereas, it appears to the Satisfaction of this General Assembly that the Commissioners for extending the boundary line between this State and the Commonwealth of Virginia, purchased of a certain William Armstrong, in behalf of this State, two Horses for the sum of Eight Hundred Pounds Virginia Currency, equal according to the exchange to the Sum of one thousand and Sixty Pounds thirteen and four pence in the Currency of this State in October in the year 1779, which by the Scale of Depreciation, including interest, is equal to Sixty-two Pounds eight Shillings and two pence, which has never yet been paid to the said Armstrong.

Resolved, That the Sheriff of Hawkins County be directed to pay to the said William Armstrong the said sum of sixty-two Pounds eight Shillings and two Pence Currency, in discharge of the said Claim, out of the Public Money in his hands and be allowed therefor in the settlement of his Public Accounts.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree with you that the Speakers of this Assembly be requested

to inform the Honble. Samuel Johnston, Esquire, that To-morrow at 11 o'clock, the General Assembly will receive him in order for his qualifications.

The Bill to impower the Wardens of the Poor for the County of Currituck to lay a Tax to enable them to settle the Arrears due from the said County to persons who have supported the Poor in the several Counties within this State, where no such have been elected agreeable to Law, was read the second time, passed and sent to the Senate.

The Bill for levying a Tax in the County of Brunswick for the Purpose of building a Gaol therein; was read the third time, passed and sent to the Senate:

Received from the Senate a Resolution of that House directing the Secretary to demand & receive of such Persons as have in their possession, the record Books of Earl Granville's office, &c.; which being read was concurred with and returned.

Received from the Senate the following Reports of the Committee of Finance, concurred with by that House, to-wit:

Of the Sub-Committee of Finance No. 3, on the accounts of Robert Rowan, Esquire, Commissioner for purchasing Tobacco at Fayetteville;

On the Memorial of Francis Child, of the Sub-Committee No. 4, with the return of the Comptroller on the sales of Confiscated property;

Of the Sub-Committee No. 6, which being read were severally Concurred with and returned.

Received from the Senate the Reports of the Committee of Propositions and Grievances. Endorsed, read and concurred with; which being read were concurred with and returned.

The House adjourned till To-morrow Morning 9 o'clock.

THURSDAY, 20 December, 1787.

The House met according to adjournment.

Resolved, That Thomas Bridges be allowed the Sum of Fifteen Pounds for removing the Public Papers in possession of the Clerk of the House of Commons, from Fayetteville to Tarborough; that the Treasurer pay him the same and be allowed.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We herewith send you the claim of Mr. Mare, No. 20, which we have read and Concurred with as reported by the Committee of Claims, should it meet your Concurrence we propose that he have leave to withdraw it before the whole proceedings of that Committee are taken under Consideration, he having attended some time in this business.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have concurred with and delivered Mr. Mare his claim.

Mr. Davie presented the Petition of Sundry of the Inhabitants of the town of Halifax, praying against a further Emission of Paper Currency, which being read was ordered to lie on the Table.

Mr. Wynns, from the joint Balloting for the several officers, Reported:

That John Mare was elected Councillor;

Joseph McDowall, Delegate;

John Macnary, Judge of Davidson County;

Thomas Overton, Colo. of Cavalry for the District of Fayetteville;

David Dodd, First Major, and

John Porterfield, Second Major;

Robert Hays, Colo. of Cavalry in Washington District;

Durham Hall, First Major of Cavalry in Halifax District, and

Robert Fenner, Second Major;

David Jones, Second Major of Cavalry in Wilmington District;

James Moore, Vendue Master at Fayetteville.

The House taking this report into consideration concurred therewith.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

The Superintendent of the Balloting last evening have made report, by which it appears that several of the Persons balloted for have not a majority of both Houses; to the end that a Second balloting may be avoided we propose that all those who have the greatest number of votes, as well for officers of the Cavalry as other officers, may be

deemed duly elected altho' the number of votes falls short of a Majority of the Assembly.

Received from the Senate the Report of the Committee of Finance on the Memorial of John Armstrong, Esquire, entry taker of Western Lands, which being read and debated, the House came to the following resolution thereon, to-wit:

On reading the report of the Committee on Finance relative to the Sums paid into the office of John Armstrong, late entry taker of Western Lands, and the Sums still due the Public from the said office.

Resolved, That the report be Concurred with as to the Sums due from the office on all entries on which Warrants have issued, and that the said John Armstrong shall have further time, until the first day of November next, to settle and account for the Monies due for the entries on which Warrants have not yet issued; and on failure of fully and finally settling and accounting for all Monies due from the said office as aforesaid, then and in that case his Bond shall be put in suit in the Manner directed by the said Report.

Received from the Senate the Report of the Committee of Finance on the Memorial of William Wootten. Endorsed, read & concurred with; which being read was concurred with by this House and returned.

Received from the Senate the following resolutions of this House. Endorsed, read and concurred with, to-wit:

A resolution directing the Comptroller to Cancel such bonds in his possession as may have been given for Confiscated property, where such property hath been resold by any Commissioner;

A resolution suspending John Sheppard from exercising the office of a Justice of the Peace for Dobbs County; and

A resolution directing the Secretary to issue to the Heirs of Patrick Campbell a Warrant for Nineteen Hundred Acres of Land.

Received from the Senate the Report of the Committee on the Memorial of Winston Caswell & William White, Executors of the last Will and Testament of William Caswell, deceased. Endorsed, read and concurred with.

Received from the Senate the resignation of Samuel Leonard and Benjamin Brown, two Justices of the Peace. Endorsed, read and accepted.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We agree to the proposition of your Message on the yesterday's balloting, except as to the Judge of Port Swannsborough, Colo. of Horse of Washington District and Brigadier General for the District of Fayette, which we propose shall be ballotted for at 4 o'clock this afternoon, the Colo. for Washington District excepted, which we propose shall be postponed altogether, it not appearing to this House by the resignation of the Gentleman heretofore elected to that office that such an appointment is necessary.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to Ballot for the Militia Field officers at four o'clock this evening and nominate for Anson County for Lt. Colo., Thomas Wade & William Wood.

Burke—Joseph McDowall, Lt. Colo.; Joseph White, 1 Major; David Vance, 2 Major.

Cumberland—James Porterfield, Colo.; Nathan King, Lt. Colo.; James Moore, 1st Major; Daniel McKeithen, 2 Major.

Beaufort—Edmund McKeele, Lt. Colo.; Richard Respass, 1 Major; Thomas Smith, 2 Major.

Currituck—James Phillips, Lt. Colo.; Andrew Drake, 1 Major; Thomas Poyner, 2 Major.

Chowan—Josiah Copeland, Lt. Colo.; Charles Hunter, 1 Major; John Bond, 2 Major.

Camden—Henry Forbes, Lt. Colo.; Jacob Taylor, 1 Major; Thomas Surry, 2 Major.

Franklin—William Brickell, Lt. Colo. Comdt.; Jenkins Devaney, Lt. Colo.; Elijah Denby, 1 Major; William Christmas, 2 Major.

Johnston—Arthur Bryant, Lt. Colo. Comdt.; Philip Rayford, Lt. Colo.; Hardy Bryan, 1st Major; John Whitley, 2 Major.

Martin—Nathan Mayo, Lt. Colo. Comdt.; John Ballard, Lt. Colo.; James Ballard, 1 Major; Benj. Wheatley, 2 Major.

New Hanover—John Larkins, Lt. Colo.; John Bloodworth, 1 Major; William Wright, 2 Major;

Pitt—John Salter, Lt. Colo. Comdt.; Henry Ellis, Lt. Colo.; Starling Dupree, 1 Major; Abraham Hardy, 2 Major.

Robeson—Elias Barnes, Lt. Colo.

Warren—John Hawkins, Lt. Colo. Comdt.; Nathaniel Macon, Lt. Colo.; Wyatt Hawkins, 1 Major; James Gray, 2 Major.

Tyrrell—Thomas McKay, Lt. Colo. Comdt.; Edmund Blount, Lt. Colo.; Friley Jones, 1 Major; Richard Howett, 2 Major.

Davidson—James Lewis, Lt. Colo.; Elijah Robeson, Lt. Colo.; Michael Kirkpatrick, 1 Major; David Ray, 2 Major.

Edgecombe—James Scarborough, 1 Major; John Dolvin, 2 Major.

We agree to ballot again as by you proposed for a Brigadier General for the District of Fayette and for a Judge for Port Swannsborough, but are of opinion the Colo. of Cavalry for the District of Washington (agreeable to the former determination of the two Houses) is legally elected to that appointment.

Mr. Davie presented the representation of John Haywood, Esquire, public Treasurer, which being read was referred to Mr. Baker, Mr. Creecy & Mr. Lindley & sent to the Senate.

Received from the Senate the report of the Committee appointed to consider and report what measures are necessary to be adopted for quieting the disorders in the Western parts of this State. Endorsed, read and Concurred with; which being read was concurred with by this House and returned.

Received from the Senate a Bill to extend an Act entitled “an Act to pardon & consign to oblivion the offences and Misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins.” Endorsed, read the first time and passed. Ordered that this Bill be read; the same was, according to order, read the first time, passed and sent to the Senate.

Mr. Davie presented the Memorial of William Blount, Esquire, setting forth that the sum reported against him by the Comptroller to be due the State, was Money received for Services actually performed & done, which being read was referred to Mr. McDowall, Mr. Polk & Mr. Davie on the part of this House, and sent to the Senate.

The Bill to enable the County Courts to appoint Commissioners to keep open Rivers & Creeks at their several falls, so far as they think necessary, for the passage of fish up the same, was read the third time, passed and ordered to be Engrossed.

Received from the Senate the Report of the Committee of Finance

on the Settlement of the Accounts of John Haywood, Esquire, as Commissioner for purchasing Tobacco at Tarborough. Endorsed, read & concurred with; which report being read was concurred with by this House & returned.

Mr. Campbell presented sundry resolutions declaratory of the rights of the people of this State to the navigation of the Mississippi, which being read was committed to Mr. Spaight, Mr. Davie & Mr. Campbell.

Received from the Senate the resolution of this House allowing Richard Blackledge Ninety days to deliver to & obtain receipts from Constable, Rucker & Co., for the quantity of fifty-five thousand eight hundred & fifty-five pounds weight of Merchantable Tobacco, &c.; concurred with by that House.

Whereas, in many instances the official dispatches received by the late Governors may be necessary to establish the claims of this State against the United States or some of them, and as no steps have hitherto been taken to preserve them,

Resolved, That the late Governors, or their representatives, be and they are hereby required to lodge in the Secretary's office within twelve months, all official dispatches of every nature and Bonds which they may have received, also the Journals of the Council of State, and books or copies of correspondence during the time they were respectively in office.

And whereas, the official dispatches laid before the General Assembly remain in the office of the Clerks of the two Houses after the rising of the Session, and it is necessary that they should be preserved.

Resolved, That the Clerks of the two Houses be and they are hereby required after the rising of each Session of the General Assembly to lodge in the Secretary's office all such official dispatches as may remain in their respective offices or possession.

Resolved, That these resolutions be printed and bound up with the Laws of this Session.

Received from the Senate the resignation of George Mitchell as Colo. of Onslow Regiment of Militia. Endorsed, read and accepted; which being read was accepted by this House & returned.

Received from the Senate the report of the Committee of Finance on the Memorial of Stephen Moore. Endorsed, read and concurred

with; which being read was concurred with by this House and returned.

Received from the Senate a Bill to amend an Act entitled "an Act to amend an Act passed at New Bern Decr., 1785, for increasing the Jurisdiction of County Courts of Pleas and quarter Sessions and of Justices of the Peace out of Court, and to direct the times of holding Courts in this State, to appoint Jurors for the District of Wilmington, to amend an Act intituled an Act to establish a Superior Court of Law and equity in the County of Davidson, and also to amend an Act intituled an Act for the establishing a Militia in this State." Endorsed, In Senate, read the third time, amended and passed.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We cannot by any means, at this late Hour of the Session, agree to ballot for the officers to command the different regiments of Militia in this State as mentioned in your Message, but propose that they be recommended by the members of the respective Counties as in the case of Justices of the Peace.

We are now ready to proceed on the balloting proposed in our Message of this Day's date and cannot by any means forego our determination with respect to the Colo. of Horse for Washington District. Should you approve of our proposition relative to the appointment of Field officers it is our opinion that strict attention be paid to Seniority.

The question to agree to this Message being put was negatived, Whereupon, Mr. Spaight moved & was seconded, that a Message should be sent to the Senate proposing that the appointment of Field officers should be postponed until the next Assembly; this being objected to the question was put & carried in the affirmative; then a Motion to reconsider the last vote of the House was made, which was objected to; the question to reconsider the vote being put was negatived, whereupon the Yeas and Nays were required by Mr. Hawkins, which are as follows, to-wit:

Yeas—Messrs. Wood, Creecy, Gowdy, Eborn, J. Bryan, Henderson, W. Hawkins, P. Hawkins, McDowall, McDowall, Jun., Tatham, A. Sanders, Sherrod—13.

Nays—Messrs. Lanier, Oliver, Dauge, Rhodes, W. Baker, Mont-

gomery, Smithwick, Polk, Phifer, Peebles, Yates, Mebane, Blount, Williams, Carson, Stanfield, Bethell, Waddell, Maxwell, Scott, Dodd Holmes, Alison, W. Taylor, Jones, B. Sanders, Franklin, Brown (Wilkes), J. Taylor, Campbell, Diggs, Dolvin, B. Spruill, J. Vaughan, Hill, Marshall, Brown (Bladen), Yancey, Thackston, McKinne, Jenkins, Pickett, Singleton, Withrow, Spaight, J. Sanders, Whitfield, N. Bryan, Davie, Cox, Webb, Person, Gardner, Lindley, Tyson.—55.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We agree to your last proposals relative to balloting this evening for a Brigadier General and a judge of the Maritime Court for Port Swannsborough.

As the Session is now too far advanced to proceed to Balloting for field officers, we propose that the appointment of them be postponed till the next Assembly.

With respect to the Colo. of Cavalry for Washington District, we are clearly of opinion that agreeably to your Message of yesterday, agreed to by this House, Mr. Hays was properly elected as having the greatest number of Votes altho' not a Majority of the two Houses; to which Message, together with the Governor's Message and Colo. Tipton's letter on this Subject, we beg leave to refer you.

Received from the Senate a Bill to enable William Nall Sheriff of Wilkes County, to collect all the Taxes Due from said County for the year 1785 and the year 1786, and to allow him further time to settle for his collection with the Treasurer, and also for giving a further time to John May Sheriff of Rockingham, to collect the arrearages of the Sinking Fund and Continental Tax in said County. Endorsed, read the third time, amended and passed.

Ordered that this Bill be read for the third time in this House, which was accordingly read the third time, passed & sent to be Engrossed.

Received from the Senate a Bill to empower the Wardens of the Poor for the County of Currituck to lay a Tax to enable them to settle the arrears due from the said County to Persons who have supported the Poor; and for electing Wardens of the Poor in the several Counties within this State, where no such have been elected agreeable to Law. Endorsed, read the third time and passed. Or-

dered that this Bill be read, the same was Accordingly read for the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill to extend an Act entitled "an Act to Pardon and consign to oblivion the offences & misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins." Endorsed, read the second time and passed.

Ordered that this Bill be read, the same was accordingly read the Second time, passed and sent to the Senate.

Received from the Senate the report of the Committee on the Petition of Benjamin Gaylard. Endorsed, read & Concurred with; which being read was concurred with by this House and returned.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

Your second Message on the subject of Balloting we have received.

As to your proposition relative to postponing the balloting for officers of the several Counties we do not either reject or agree to but refer you to a clause annexed to the Bill for enlarging the Jurisdiction of the County Courts, to which if you agree the necessity of choosing the officers by ballot will be done away.

We propose that the appointment of a Colo. of Horse for Washington District be postponed till next Assembly, the two Houses not being possessed of every necessary information on this Head. We are ready to proceed on the balloting as agreed on. The two Gentlemen appointed on the part of this House to examine the Engrossed Bills having obtained leave of absence, we have appointed Mr. Hill and Mr. Johnston to attend to this business.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

Mr. McDowall and Mr. Creecy will superintend the balloting and are now ready to proceed on that business.

Received from the Senate the Memorial of William Blount, Esquire. Endorsed, read & referred to Mr. Winston, Mr. Mayo and Mr. McCauley; and

The representation of John Haywood, Esquire. Endorsed, read & referred to Mr. Willis, Mr. Foster & Mr. Kennedy; and rec'd

also The Memorial of A. Hodge. Endorsed, read and referred to Mr. Harget and Mr. Bledsoe.

Ordered that the following Message be sent to the Senate:

Mr. Speaker & Gentlemen:

This House are now ready to receive Samuel Johnston, Esquire, in order to see him qualified, and propose that the two Houses Assemble together for that purpose. We have appointed Mr. Davie and Mr. Cabarrus to attend and conduct Mr. Johnston to the House.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

Mr. Person and Mr. Long will, on the part of this House, wait on the Honble. Samuel Johnston.

According to the order of the Day the Senate and Commons assembled in the Commons room, the Speakers and Members being seated, the Gentlemen appointed by both House to attend and acquaint Samuel Johnston, Esquire, that the General Assembly were ready to receive and see him qualify as Governor, Accordingly attended and conducted him to the place appointed for his reception, where he qualified as Governor by taking the Oath of Allegiance and also an Oath of office.

Received from His Excellency the Governor, the following Message:

To the Honorable the General Assembly:

Gentlemen:

I herewith lay before your Honorable Body a Circular Letter from the Board of Treasury, together with sundry resolutions of Congress, and the United States account against this State, which I have this day received.

SAM JOHNSTON.

Tarborough, 20 Decr., 1787.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

This is accompanied by a Message of this day from His Excellency the Governor, with the resolution of Congress, &c.; therein referred to.

Resolved, That the General Assembly have a high sense of the

faithful and diligent conduct of Richard Caswell, Esquire, late Governor of this State, in the execution of that office, and that the Speakers of the two Houses be requested to present him the thanks of the General Assembly thereon.

Received from the Senate the following Message:

Mr. Speaker and Gentlemen:

We propose that the Message from His Excellency the Governor, of this day's date, together with its enclosures, be referred to the consideration of a joint Committee, and that they report To-morrow. We have for this purpose on our part appointed Mr. Gallaway, Mr Harget, Mr. Johnston and Mr. Irwin.

Ordered that Mr. Cabarrus, Mr. Mebane, Mr. J. Taylor and Mr. Lindley have leave to absent themselves from the Service of this House.

The House adjourned till To-morrow Morning 9 o'clock.

FRIDAY, 21 December, 1787.

The House met according to adjournment.

Mr. Franklin, one of the Superintendants of the Balloting for a Brigadier General for the District of Fayette, and for a Judge of the Maritime Court of Port Swannsborough, reported that Richard Clinton, Esquire, was Elected Brigadier General and Robert Snead, Esquire, judge of the Maritime Court.

The House taking the said report into Consideration concurred therewith.

The Committee to whom were referred the propositions respecting the Navigation of the Mississippi, beg leave to report the following resolutions as proper to be entered into by the General Assembly, to-wit:

Resolved unanimously, That the Citizens of this State and the United States have a full and indisputable claim to the Navigation of the river Mississippi, as well by the clear and express stipulations of Treaties as by the Great Law of Nature.

Resolved, That the Delegates of this State be instructed to move in Congress for a full and explicit Declaration that the right which the United States and each of them have to the Navigation of the Mississippi is absolute and inalienable, in order that the apprehen-

sions and fears of our fellow Citizens on that Subject may be entirely removed.

The Bill to amend an Act to regulate the Town of Salisbury and for authorizing the Commissioners in the Town of Halifax to levy a Tax on the Slaves within the liberties thereof, was read the third time, passed and ordered to be Engrossed.

The Bill to direct the application of such Public Tobacco as already is or hereafter may be purchased by the Commissioners for that purpose appointed by the last General Assembly, was read the third time, passed and ordered to be Engrossed.

Mr. Davie, from the Committee to whom was referred His Excellency the Governor's Message, & Colo. Spaight's letter, delivered in the following report:

The Committee to whom was referred the Message of the Governor relative to the Artillery of this State beg leave to report,

That it is necessary they should be equally distributed among the several Companies of Artillery, and therefore recommend that the following resolution be passed by the General Assembly:

Resolved, That the Commanding officer of the regiment of Artillery shall cause the several pieces of Artillery in this State to be distributed as equally as possible among the several Companies of the said Regiment and the expences thereof shall be allowed by the next General Assembly.

All which is submitted.

W. R. DAVIE, Chn.

The House taking this report into Consideration Concurred therewith, and

Resolved, That the Captains of the Several Companies be and they are hereby required to mount the Artillery allotted to them respectively.

Received from the Senate the Petition of Griffith Dauge. Endorsed, read & referred as by the Commons.

Received from the Senate the resolution of this House allowing Thomas Bridges fifteen pounds, and the resolution directing the late Governors to file in the Secretary's office the official dispatches from Congress, &c., concurred with, by that House.

Received from the Senate a Resolution of that House directing and requiring the Treasurer to pay Peter Goodwin of Franklin

County, the Sum of Seven Hundred and five Pounds fifteen Shillings, which being read was concurred with and returned.

Received from the Senate the Report of the Committee on the Memorial of Margaret Balfour and the report of the Committee on the Memorial of William Alexander. Endorsed, read and concurred with.

Received from the Senate the Report of the Committee of Finance on the representation of Robert Fenner, Agent of the Continental line. Endorsed, read and Concurred with as amended; which being read was Concurred with by this House and returned.

Ordered that the folowing Message be sent to the Senate:

Mr. Speaker & Gentlemen:

We have concurred with the report of the representation of Mr. Fenner, as by you amended; we conceive the part you have struck out should be adopted as it will certainly procure us a Specie Credit with the United States which cannot be obtained by other means with as much felicity. We therefore take the liberty of recommending the consideration thereof and that it be again inserted.

Resolved, That Egbert Haywood, James Porterfield and Ethelred Phillips, appointed at the last General Assembly to purchase Tobacco for the year 1787 be, and they are hereby appointed to purchase Tobacco for the year 1788 agreeably to the Act passed this Session for that purpose, Intituled "an Act to direct the application of such Public Tobacco as already is, or may be hereafter, purchased by the Commissioners, for that purpose appointed by the General Assembly;" the said Commissioners first giving further Bond and Security for the application of the money.

Received from the Senate the Report of the Committee of Finance on the Memorial of John Geddy. Endorsed, read & Concurred with, which being read was concurred with by this House and returned.

Resolved, That the Secretary be directed to continue his office and the Public Papers where the same have usually been kept until the Seat of Government shall be fixed, or the General Assembly shall otherwise direct.

Mr. Polk from the Committee appointed to receive and burn the ragged Money in the Treasury office, together with the old State Dollar Bills, and to punch the Warrants, Members Certificates and

allowances by the General Assembly, delivered in the following report:

That they have received and burnt of the present circulating currency, seven thousand two hundred and Seventy two Pounds ten Shillings. In state Dollar Bills eight hundred and nineteen thousand, one hundred & seventy three dollars.

They have also punched all the Warrants of the Governor, Members certificates and allowances of the General Assembly; the amount of which they beg leave to refer the House to the Treasurer's report for publication.

WILLIAM POLK, Chn.

The foregoing report being read was Concurred with; whereupon Resolved, That it is published in the State Gazette for three Weeks Successively.

Received from the Senate the report of the Committee appointed on the Memorial of the Field officers of Davidson County. Endorsed, read and Concurred with; which being read was concurred with by this House and returned.

Resolved, That the Comptroller be and he is hereby directed to have the whole of the Public Papers in his office, or charge, removed to the Town of Hillsborough on or before the first day of April next.

And whereas, the Certificates lodged in the Comptroller's office remain at the risque of the Public in their present Situation,

Resolved, That Alexander Mebane and William Walters, Esquires, be and they are hereby appointed and Authorized, together with the Comptroller, to striks thro' with a punch of one Inch and a half in diameter at least, all the Certificates of every nature and kind, Money orders or allowances now in the Comptroller's office and make return thereof to the next General Assembly, for which they shall be allowed twenty Shillings per Day.

Resolved, That the Treasurer be and he is hereby directed to publish in the public Gazette for four Weeks successively the amount of the Sums of the present Currency which have been destroyed since the Emission thereof, together with the present State of the Sinking Fund.

The Bill to amend an Act entitled "an Act to amend an Act passed at New Bern, December, 1785, for increasing the Jurisdiction of

County Courts of Pleas and quarter Sessions and of Justices of the Peace out of Court, and to direct the time of holding Courts in this State, to appoint Jurors for the District of Wilmington, to amend an Act entitled an act to establish a Superior Court of Law and Equity in the County of Davidson and also to amend an Act for the established a Militia in this State," was read the third time, passed and ordered to be Engrossed.

Resolved, That Wych Goodwin be allowed the sum of five Pounds for going express to New Bern to carry to the Printer the directions of the Assembly relative to his printing Fifteen hundred Copies of the Federal Constitution, and three hundred Copies of the resolutions of the General Assembly thereon; that the Public Treasurer pay him the same and be allowed.

Received from the Senate the Report of the Committee on the Petition of Elizabeth Williams;

On the Petition of Edmund Blount, & others.

On the representation of Hardy Murfree, Esquire, Commissioner of Confiscated Property for the district of Edenton. Endorsed, read and Concurred with; which reports being read were Concurred with and returned.

Received from the Senate the Report of the Committee of Finance on the representation of the Comptroller. Endorsed, read and concurred with; which being read was Concurred with by this House and returned.

Whereas, it appears to this Assembly that a Certificate issued by the Commissioners of the Specific Supplies for the County of Bladen in the name of Thomas Amis, the balance due on which amounts to the Sum of one thousand nine hundred and forty Seven Pounds ten Shillings was issued in fraud of the Public, and has been received by the Sheriff of Bladen County, by him paid to Timothy Bloodworth, Esquire, late Treasurer for the district of Wilmington, and by him paid into the Comptroller's office.

Resolved, That the Comptroller be directed to deliver the said Certificate to Timothy Bloodworth, Esquire, he remaining still chargeable for the amount thereof in Certificates or old Dollar Bills at the rate established by Law, and that the said Timothy Bloodworth, Esquire, be directed to commence suit thereupon in behalf of the Public against the Sheriff for the Value thereof who shall be

at liberty to pay off the amount in other Certificates or in old Dollar Bills according to the rates aforesaid.

Resolved further, That the Comptroller be directed to forbear the commencement of any suit against Mr. Bloodworth relative to the said Certificate until the next General Assembly.

The Bill to extend an Act entitled "an Act to pardon and consign to oblivion the offences & misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins," was read the third time, passed and ordered to be Engrossed.

Received from the Senate the following Report of the Committee to whom was referred the representation of the Public Treasurer, Concurred with by that House, to-wit:

The Committee to whom was referred the representation of the Public Treasurer of yesterday's date, Report,

That they have considered the same, and are clearly of opinion the Treasurer was not only justifiable but was compelled of necessity to take up the Warrant granted to Colo. Long which is mentioned in the representation, for as there was and still is a positive law both for the granting and payment of such Warrants the Treasurer was not at liberty to refuse it.

Your Committee are however of opinion this Law should not hereafter be carried into execution, but that the part thereof which directed the granting to Commissioners of Confiscation Warrants on the Treasury for their Commissions should be repealed.

Your Committee are further of opinion that the reports of the balances due by Sundry Individuals yesterday laid before the Assembly by the Treasurer ought not to be put in Suit, as they look upon these balances as coming properly under the description of those debts mentioned in the Treaty of Peace.

As to the fines Imposed at Warrenton and which are yet unaccounted for, it is the opinion of your Committee that the Treasurer bring Suit for them without delay, in whosoever hands the Moneys may be. All which is submitted.

J. WILLIS, Chr.

The House taking this report into Consideration Concurred therewith, except that part thereof relative to the reports of the balances due by Sundry Individuals, &c., after the words "*put in Suit*" & included within lines.

On reading the foregoing Report Mr. Spaight moved that the following part thereof should be rejected, to-wit:

"Your Committee are however of opinion this Law should not hereafter be carried into execution, but that the part thereof which directed the granting to Commissioners of Confiscation Warrants on the Treasury for their Commissions should be repealed."

The question, will the House concur with this part of the report or not, being put, was carried in the affirmative, whereupon, the Yeas and Nays were required by Mr. Spaight which are as follows, to-wit:

Yeas—Messrs. Wood, Sawyer, Dickins, Anderson, Jo. Stewart, Gowdy, W. Baker, Eborn, Smithwick, Phifer, Yates, Carson, Stanfield, Waddell, Maxwell, Scott, Dodd, S. Spruill, Anderson, W. Taylor, Jones, Brown (Wilkes), Steele, Diggs, B. Spruill, J. Baker, Wynns, Hays, McDowall, Thackston, McDowall, Jun., McKinne, W. Hawkins, Gains, Starkey, Webb, Pearson, Lindley, Tyson, Devane.—40.

Nays—Messrs. Nixon, Lanier, Oliver, Grove, Horn, Sheppard, J. Bryan, Polk, Peebles, Blount, Williams, Bethell, Holmes, Franklin, Cabarrus, Campbell, Henderson, Bloodworth, Tatham, Spaight, Whitfield, Randal, Davie, N. Bryan, Dupree, Rhodes.—26.

Ordered that the following Message be sent to the Senate:
Mr. Speaker and Gentlemen:

We propose that the report of the Committee on the representation of the Treasurer of yesterday's date be amended in that part which gives directions relative to the Balances due from the individuals therein mentioned by erasing these words "as they look upon these Balances as properly coming within the description of those debts mentioned in the Treaty of Peace;" should this proposal meet your approbation this House will concur with the report.

Mr. McDowall from the Committee to whom was referred the Memorial of William Blount, delivered in the following report, to-wit:

Your Committee to whom was referred the Memorial of William Blount beg leave to report, that Mr. William Blount has received, as appears by a report of the Comptroller, the Sum of three hundred & Ninety two Pounds twelve Shillings, for his allowance as Agent of this State to attend the Treaties held by the Commissioners ap-

pointed by Congress with the Cherokee and other Southern Indians. That as the allowance and appointment of Mr. Blount were made by the Governor and Council, and their Journals have not been laid before the General Assembly, and can not be had at present, and your Committee deeming the proceedings of the Council absolutely necessary to form a proper Judgment of this Subject, beg leave to recommend that the consideration of this matter be laid over until the next General Assembly, and that the Comptroller conduct himself accordingly.

JO. McDOWALL, Jun., Chn.

The House taking this report into consideration concurred therewith.

Received from John Haywood, Esquire, Public Treasurer, the following Message:

To the Honorable the General Assembly:

Gentlemen:

Pursuant to the Act of the last General Assembly, I herewith lay before your Honorable Body for publication, a State of the receipts and disbursements in the Treasury for the Current year, together with the Public Treasurer's account current, which you will observe is made up to the first day of November last; and a list of the balances due from the several Sheriffs in this State for the years 1784, 1785 & 1786, so far as I have been able to ascertain the same from the returns made to the late Treasurer and myself.

I have taken no notice of the sums supposed to be due from the different Clerks in this State because their neglect of the duties enjoined them so far as respects the Treasury, and their remissness in forming settlements, has been such as to render it altogether impossible for me to fix any debits on them. Amongst them however, there are a few who ought not to be considered as coming under this description.

The Treasurer would have furnished a list of Insolvencies, but the settlements of the Sheriffs have been so few and incomplete that he supposed it would have answered no valuable purpose.

JOHN HAYWOOD, Treasurer.

At the same time received the statement above referred to.

Received from the Senate the following Message

Mr. Speaker and Gentlemen:

We consent to the amendment by you proposed to be made in the report of the Committee on the representation of the Treasurer.

The Bill directing the duty of Naval officers, and of all Masters of Vessels coming into any of the Ports or Inlets of this State, was read the third time, passed and ordered to be Engrossed.

Received from the Senate a Bill for laying a Tax for the Support of Government, and for the redemption of the old Paper Currency, Continental Money and Specie and other Certificates. Endorsed, read the third time, amended & passed.

On reading for the third and last time the above mentioned Bill, it was moved and seconded that the Senate be applied to for consent to amend the following clause by inserting the word "three" instead of the word "one," to-wit:

"Provided that all the Lands West of the Cumberland Mountains 'shall pay a tax of one shilling on every Hundred Acres of Land,' the question was put and carried in the affirmative, whereupon, the Yeas and Nays were required by Mr. Jas. Stewart, & seconded by Mr. P. Hawkins, which are as follows, to-wit:

Yeas—Messrs. Wood, Nixon, Lanier, Oliver, Dauge, Copeland, Creecy, Dickins, Rhodes, Gowdy, W. Baker, Montgomery, Pearce, Smithwick, J. Bryan, Phifer, Kendall, Peebles, Mebane, Carson, Stanfield, Bethell, Waddell, Scott, Holmes, Spruill, Alison, W. Taylor, B. Sanders, Franklin, Cabarrus, Campbell, Diggs, B. Spruill, Marshall, J. Baker, Brown (Bladen), Yancey, McDowall, Thackston, McKinne, Bloodworth, Koen, Jenkins, Gains, Tatham, A. Sanders, Starkey, Whitfield, N. Bryan, Davie, Cox, Lewis, Webb, Pearson, Tyson, Ferebee, Devane, Dodd.—59.

Nays—Messrs. Grove, Horn, Sawyer, Anderson, Jas. Stewart, Eborn, Polk, Yates, Blount, Williams, Jones, Brown (Wilkes), Steele, J. Taylor, Hill, Henderson, W. Hawkins, Wynns, P. Hawkins, Hays, McDowall, Koen, Singleton, Withrow, Jos. Stewart, Spaight, Lindley, Randal, Leonard, Gardner, J. Sanders, Coffin—32.

It was also moved and seconded that the following clause should be amended by inserting the word *Three* instead of the word *Two*, to-wit:

"And the lands between the Appalachian and Cumberland Moun-

tains shall pay a Tax of Two Shillings on every hundred Acres of Land"; this being objected to the question was put and carried in the affirmative. Whereupon, the Yeas and Nays were required by Mr. Jas. Stewart, seconded by Mr. Lindley, vizt.:

Yeas—Messrs. Wood, Nixon, Lanier, Copeland, Creecy, Dickins, Anderson, J. Stewart, Rhodes, Gowdy, W. Baker, Montgomery, Pierce, Smithwick, Polk, Phifer, Peebles, Yates, Mebane, Blount, Williams, Stanfield, Bethell, Waddell, Scott, Dodd, S. Spruill, Alison, W. Taylor, B. Sanders, Campbell, Diggs, B. Spruill, Hill, J. Baker, Brown (Bladen), Yancey, McDowall, Thackston, McKinne, Cain, Jenkins, Singleton, Gains, Tatham, Spaight, Whitfield, N. Bryan, Randal, Dupree, Lewis, Webb, Pearson, Gardner, Tyson, Sherrod, Devane.—57.

Nays—Messrs. Oliver, Maxwell, Holmes, Jones, Franklin, Henderson, Marshall, P. Hawkins, Hays, McDowall, Jun., Withrow, Jas. Stewart, J. Sanders, Davis, Lindley.—15.

The House adjourned till To-morrow Morning 9 O'clock.

SATURDAY, 22 December, 1787.

The House met according to adjournment.

Received from the Senate the following Reports, vizt.:

On the Memorial of Hodge and Blanchard;

On the Petition of John Humphries;

On the Petition of Richard Good. Endorsed, read and concurred with; which being read were concurred with by this House and returned.

Ordered that the following Message be sent to the Senate:

Mr. Speaker and Gentlemen:

We propose that the Chairman of the Committee appointed to consider of the Memorial of the Judges presented to this Assembly on the Subject of Salaries and the depreciation thereon, to return the said Memorial that the Assembly may take some order on the same.

Resolved, That the Treasurer be directed not to pay off any allowances granted by the present Assembly until after the rising thereof except those made to Members who have leave of absence.

Received from the Senate the following Message:

Mr. Speaker & Gentlemen:

We cannot agree to resume the consideration of that part of the report of the Committee on the representation of Robert Fenner as was rejected by this House.

The House taking into consideration the Subject of the foregoing Message,

Ordered that the following be sent to the Senate:

Mr. Speaker & Gentlemen:

We return you herewith the report of the Committee of Finance on the representation of Robert Fenner, concurred with as amended by the Senate.

Received from the Senate the following Reports, to-wit:

On the Memorial of William Blount;

The Report of the Committee appointed to receive of the Treasurer and burn the ragged Money, &c.;

On the Governor's Message and Colo. Spaight's Letter relative to the Artillery. Endorsed, read and concurred with.

Received from the Senate the following resolutions of the House, Concurred with, vizt.;

A resolution declaratory of the rights of the people of the United States to the Navigation of the Mississippi;

A resolution allowing Wych Gooding five Pounds;

A resolution directing the Comptroller to deliver Timothy Bloodworth a certann Certificate therein mentioned & directing the said Timothy to commence Suit against the Sheriff of Bladen for the same;

A resolution directing the Printer to Publish the amount of the Sums of Money which have been burnt this Session;

A resolution directing the Comptroller to remove all the papers in his office to Hillsborough on or before the first day of April next, &c.;

A resolution appointing and continuing Egbert Haywood, James Porterfield and Ethelred Phillips Commissioners for purchasing Tobacco.

Received from the Senate a Bill for the more regular collecting and accounting for the revenue of this State, for allowing the Public

Treasurer a Clerk and for the Collection of Arrearages. Endorsed, read the third time, amended & passed.

Ordered that this Bill be read, the same was accordingly read the third time, passed and ordered to be Engrossed.

Resolved, That the Members of the Convention hereafter to be elected to meet on the third Monday in July next, at Hillsborough, to determine on the proposed Federal Constitution, be allowed the sum of Twenty Shillings per day for their attendance at, going to and returning from the same, and that the Treasurer be directed to pay the same on a Certificate signed by the president of the Convention.

Received from the Senate the Report of the Committee on the Claim of James Davis. Endorsed, read and concurred with; which being read was rejected.

Resolved, That the Clerks of the General Assembly furnish the respective officers of Government with the several resolutions of the General Assembly, Documents and other papers relative to their departments.

Mr. Tatham, from the Committee to whom was referred sundry papers relative to the Conduct of sundry Justices of the Peace in New Hanover County, delivered in the following report,

It appears to your Committee that Sampson Moseley, Francis Clayton, James Geckie, John Ashe and William Moseley were suspended by a restriction of the Assembly at _____ in the year _____ from the exercise of their respective offices of Justices of the Peace for the said County, they having attached themselves to the British forces;

That in January term in the year 1785, some of them, to-wit: Sampson Moseley, James Geckie, William Moseley and John Ashe appeared at the said Court declaring they would not be bound by the Resolution of the Assembly for their Suspension, alleging that it operated against an Act of Assembly under which they formerly came into Court, and therefore were admitted and took their Seats on the Bench and have ever since continued to act as Justices in open contempt of the said Resolution.

Your Committee conceive the suspension was founded on charges which if true, utterly disqualified them to act as judicial officers inasmuch as the joining the enemies of the Country in time of its

deepest distress evinces a want of affection for the Government and a divesting themselves of that allegiance to the State which, by the duty of their office as Magistrates and by the obligation of that Oath they had taken when first qualified into their offices, they were peculiarly bound to maintain.

Your Committee also conceive that their acting in direct opposition to the said resolution and their expressed disregard of the same is in derogation of the Dignity of the Genl. Assembly and ought not to be tolerated.

Wherefore, we recommend that the Justices of the said Court be directed not to admit them on the Bench for the future, and the Clerk not to record any of their transactions as the Acts of the Court until they shall personally appear before some future General Assembly and procure the said Suspension to be taken off and be again admitted to the exercises of their respective offices as Justices of the Peace for the said County.

And further, that all returning officers in the said County be directed until that time to pay no obedience to them or any of their precepts as the same will be done at their peril.

The foregoing report being read was concurred with and sent to the Senate.

Resolved, That the Comptroller be directed to settle and adjust the Accounts of John McCrohane presented to this Assembly relative to the Schooner Phoenix, impressed into the Public Service by order of Benjamin Hawkins, Esquire, late Commercial Agent, and that he grant him a Specie Certificate for the sum which may appear justly due him, he producing such vouchers as are required for the settlement of other accounts and to be reported on as in other cases.

Received from the Senate the Report of the Committee on the Memorial of John Brévard. Endorsed, read & concurred with; which being read was concurred with by this House and returned.

Received from the Senate a Resolution of that House for releasing the Estate of Henry Montfort, which was Sequestered by an Act of the last General Assembly, from the same on his giving Bond & Security as therein mentioned, &c.; which being read was concurred with and returned.

Received from the Senate the resolution of this House expressive

of the high sense of the faithful and diligent Conduct of Richard Caswell, Esquire, late Governor of this State, Concurred with.

Received from the Senate the report of the Committee on the Memorial of John Willis. Endorsed, read & concurred with; which being read was concurred with and returned.

Received from the Senate a Resolution of that House for releasing John Johnston from an obligation given by him to the Commissioners of Confiscated property for the District of Edenton, on certain conditions therein mentioned; which being read was rejected.

The Bill for levying a Tax for the Support of Government, and for the redemption of the old paper Currency, Continental Money and Specie, and other Certificates, was read the third time, passed and ordered to be Engrossed.

The Memorial of the Honorable Samuel Ashe, Samuel Spencer and John Williams, Esquires, Judges of the Superior Courts of Law and Equity, on the Subject of the Depreciation of their Salaries as Judges aforesaid, (which had heretofore in the course of the present Session been referred to a Committee) was called out of the possession of the Chairman and again read, when it was ordered to be referred to the next General Assembly.

Received from the Senate the Report of the Committee of Finance on the papers respecting Indian Treaties. Endorsed, read & Concurred with; which being read was concurred with and returned.

Received from the Senate the report of the Committee on the several papers relative to the Conduct of Certain Justices of the Peace in New Hanover County, Concurred with by that House.

Received also the resolution of this House directing the Clerks of the General Assembly to furnish the several officers of Government with the papers belonging to their departments, Concurred with.

Mr. Polk presented the Account of John Haywood, Esquire, Public Treasurer, for Stationery, amounting to seventy Pounds fifteen Shillings and Eight Pence, which being read,

Resolved, That John Haywood, Public Treasurer, be and he is hereby allowed the foregoing account of Seventy Pounds Fifteen Shillings and Eight pence.

Resolved, That the Members of this Assembly from the Counties of Davidson and Sumner be allowed the Sum of Twenty Pounds each

for travelling thro' the uninhabited parts of the Country, over and above the Sums rated for attendance and travelling thro' Counties in the Estimate, that the Treasurer pay the same and be allowed in the settlement of his Public Accounts.

Received from the Senate a Resolution of that House allowing the Members of the Convention intended to be held at Hillsborough twenty Shillings per day, Concurred with by that House.

Received from the Senate a Resolution of that House directing the Commissioners of Confiscated Property to forbear to sell certain Lands heretofore purchased on Certain Conditions of the Agents of Henry Eustace McCulloch, which being read was concurred with & returned.

Received from the Senate a resolution of that House allowing John Willis fifty-five Pounds fifteen Shillings & four pence, which being read was concurred with & returned.

Received from the Senate a Resolution of that House recommending to the people of this State to direct the Delegates appointed to attend the Convention to deliberate on the Federal Constitution to make an amendment in the Constitution of this State with respect to the number of representatives in General Assembly, which being read was rejected.

Received from the Senate the following resolutions of this House Concurred with, to-wit:

The resolution allowing John Haywood, Esquire, Public Treasurer, Seventy Pounds, fifteen Shillings and Eight pence;

The resolution allowing the Members of Davidson & Sumner Twenty Pounds extraordinary;

The resolution directing the Comptroller to settle the Accts. of John McCrohane.

Received from the Senate a resolution of that House allowing Henry Irwin Tooole Forty five Pounds for Fire Wood, Candles, &c., for the use of the General Assembly, which being read was concurred with and returned.

Ordered that the Clerk of this House make out and deliver to Mr. Hays the Message of the Senate relative to Balloting for Cavalry officers, the Message of this House in answer thereto, and the report of the Superintendent of the Balloting, so far as the same relates to the electing a Colo. of Horse for the District of Washington.

Mr. Tatham, according to order, presented the following protest:

We, the underwritten, on the passage of a resolve of this General Assembly in favour of Colo. John Armstrong, giving him a further time for settling the accounts of the Land office by him kept, and other privileges on his Bond for performance of his Duty, beg leave to enter our Dissent for the following Reasons,

1st. It appears to us that the opening of that Land office was in the first Instance an Infringement on the Constitutional rights of the People; that a premeditated plan was laid previous to opening the said office to effect a depreciation of the Public Securities for the ends of Monopoly, and that Certain Persons had then in view the establishment of Aristocracy on the Cumberland and other Western Waters; that this State and the several States in the Union have been much injured by the said Land office and speculation therein, and that (as it is never too late to do good) it is therefore our Duty to stop such speculations or impede them as much as possible. That the Indulgence granted Colo. Armstrong will be productive of further jealousies and discontents between the white people and the Chickasaw Indians, if not Wars, aided or assisted by our Catholic Neighbours on the Mississippi, because every future Warrant from that office on Entries made in the same will be a further indulgence to our Speculators to encroach on the Chickasaw Indians who have so long gloriously boasted their Friendship for the white People, and who instead of deserving the ingratitude we have shewn in Trespassing on their rights and taking their Lands away without their consent, without cause or provocation, have ever shewn us an example worthy our imitation, and a specimen of Magnanimity far above our reach.

2nd. It was the duty of Colo. Armstrong to have Counted the Money and Securities "said to have been received in Bundles", a weak deception he ought not to have suffered any one to palm upon him, and as it was his duty to have examined the receipts of such Money, his Credulity (however it might have mitigated a private Transaction,) is an aggravation of such Nonfeasance in a public officer and in the Event of the Transaction has a Tendency to keep the Public Interest suspended for the Speculation of a Junta of Individuals; Colo. Armstrong has already had years beyond the law for the Intended Collection, and we cannot think ourselves justifiable

to our Constituents should we concur with the Resolve in his favour.

WM. TATHAM,
THOS. TYSON.

The following are the Depositions ordered to be entered on the Journal relative to Thomas Vail, Vizt.:

No. 1.

North Carolina, Chowan County.

Edmund Blount, Sheriff of Tyrrell County deposeth on the Holy Evangelist, that he attended at the Trial of Thomas Vail in November, 1786, on a charge of Forgery and for Publishing a note knowing it to be forged, and that he was present when the Jury gave their Verdict, and that he believes he counted them, and heard Robert Davidson the foreman of the jury say (when the judge dictated to the Clerk or at the time of reading the Verdict) "that is not the verdict of the Jury," or it is not the opinion of the jury, to which he received no answer; and at this time the jury were (to the best of this deponent's knowledge) all present, and then in less than five minutes, to the best of this deponent's recollection, Mr. James Iredell applied to have the mistake rectified after it was mentioned by the Jury; and that when the objection was made by Robert Davison, foreman, this deponent believes the jury were all present and at the time he heard no Mention made by any person that the Jury was separated, nor did he hear any of the jury say that the Verdict was entered right at that time; and this deponent further saith that he head Judge Ashe deliver his opinion on the bench, which was in November Term 1787, that from the face of the whole proceedings the jury intended to acquit the defendant and further this deponent saith not. N. B. The words "at the time" interlined before sworn to and certified.

ED. BLOUNT, Jun.

Sworn to 14th November, 1787, Before S. Dickinson, J. P.

No. 2.

State of North Carolina, Edenton District.

November Term, 1786.

Clement Croke, one of the Petit Jury in a Trial yesterday on an Indictment for forgery against Thomas Vail, deposeth, that when he retired into the jury Room that it was his opinion that the said Thomas Vail was not guilty of Forging the said Bill obligatory, nor

of publishing the said Bill obligatory, knowing the same to be forged, and this deponent further saith that as the verdict was read to the jury as now stands, that he heard Robert Davidson say, who was to speak for the jury, that it was not their Verdict, or words to that effect, and that he supposed he spoke loud enough to be heard, and further this deponent saith not.

C. CROOKE.

Sworn to in open Court, 14 November, 1786.

BLAKE BAKER, C. S. C. D. E.

A true copy from the original in my office.

BLAKE BAKER, C. S. C. D. E.

No. 3.

State of North Carolina, Perquimans County.

I, Caleb Winslow, do declare and affirm that on the ninth day of May, one Thousand Seven Hundred and eighty seven, Willis Butler, a Witness against Thomas Vail, on a conversation with him the said Willis expressed himself in the following Manner: This deponent said he was satisfied the prosecution was carried on through malice; the said Butler answered, that he believed it was, and said after he mentioned the mistake in the Interest of the said Vail, the said Vail said if there was he would pay it, which the said Vail did when he applied for it, and the mistake between that and another note was between twelve and thirteen pounds; the said Butler said the said Vail had paid him the mistake in the Intrest which was paid a long time before any prosecution took place against the said Vail, and the Creeceys had threatened him, the said Butler, with a prosecution if he did not prosecute or give up the said note to said Creeceys; and the deponent further saith, that the said Butler expressed that as the Creeceys had threatened to prosecute him and he did not then know but they might, which induced him to give the Note to the said Creecey some time before the prosecution took place, the deponent further saith that he hath heard the said Butler say that he did not know how to read writing, and further this deponent saith not.

CALEB WINSLOW.

The above was affirmed to before me this 23rd day of November, 1787.

JACOB PERRY, J. P.

State of North Carolina, Edenton District.

Robert Davidson, one of the Jury who was sworn & impannelled on a Trial of an Indictment against Thomas Vail, deposeth and saith, that it was the opinion of the said Jury, as he understood it, that the said Thomas Vail was Guilty of publishing the paper mentioned in the Indictment, but that he was not guilty of publishing the said paper knowing it to be forged; that this deponent was appointed by the Jury to signify their Verdict in Court and upon being questioned in Court he said "not guilty of forging, but guilty of publishing," or words to that effect, and that upon the Entry of the Verdict being read, as it now stands on the docket, he said addressing himself to the Clerk "that is not the meaning of the Jury," or words to that effect, and he imagined he had spoke loud enough to be heard.

ROBT. DAVIDSON.

Sworn to in open Court 14th November, 1787.

BLAKE BAKER, C. S. C. D. E.

A true copy from the original in my office.

Test: BLAKE BAKER, C. S. C. D. E.

State of North Carolina, Chowan County.

Jeremiah Frazer deposeth, that he was one of the petit Jury at the Superior Court in November last when there was a Trial against Thomas Vail for forging a note of hand and for publishing it knowing it to be forged, and when they retired into the Jury room that it was his opinion, as well as the opinion of the whole Jury, that the said Thomas Vail was not guilty of forging; but that he was guilty of passing the note on hand, but not passing or publishing it knowing it to be forged; and that Robert Davidson was appointed by the Jury to signify their Verdict in Court and when the Clerk called over the Jury in Court that he, the said Robert Davison, answered not Guilty of forging but guilty of publishing or passing, or words to that purpose, but that they did not find the said Thomas Vail guilty of passing knowing it to be forged; and then Judge Spencer, the only Judge on the Bench and the only one on it when the charge was given, dictated to the Clerk how to enter the verdict, and at this Robert Davison, the foreman of the Jury, observing how he was directing the Clerk answered loud enough to be heard, that it is not the Verdict of the Jury or words to that purpose, the Judge nor Clerk made no

answer at this time; then the defendant came to the table where the Jury were standing and repeatedly requested the Judge to ask the Jury some questions relative to the second charge but the Judge continued directing the Clerk to enter the Verdict and made no answer, then Mr. James Iredell, who was counsel for the defendant and while the Jury were at the Bar, to which to the best of this deponent's knowledge the Judge said he was alone and would not wish to do any thing in it that night but would defer it untill the next day.

J. FRASER.

Sworn to before me this twenty Seventh day of August, One Thousand seven Hundred & Eighty Seven.

THOMAS BENBURY, J. P.

State of North Carolina, Edenton District.

William Jordan, one of the Jury who was sworn & impannelled on a trial of an indictment against Thomas Vail, deposeth and saith, that it was the opinion of the said Jury, as he understood it, that the said Thomas Vail was guilty of publishing the said paper mentioned in the indictment, but that he was not guilty of publishing the said paper knowing it to be forged; And this deponent further saith, that upon the entry of the Verdict being read as it now stands on the Docket he heard Robert Davison, who was appointed by the Jury to signify the Verdict in Court, say to the Clerk that is not the meaning of the Jury, or words to that effect & further this deponent saith not.

WM. JORDAN.

Sworn before me this 14th November, 1786.

JNO. WILLIAMS, J. P. D. E.

A true copy from the original filed in myoffice.

Test: BLAKE BAKER, C. S. C. D. E.

State of North Carolina, Chowan County.

This day came before me William Wilkins, and maketh oath on the holy evangelists that he attended the trial of Thomas Vail at the Superior Court in November, one thousand Seven Hundred and Eighty six, on an indictment for forging a note of hand and for publishing it knowing it to be forged; that this deponent was present at the time of the charge being given to the Jury which was done by

Judge Spencer, the only Judge on the Bench and the only Judge on the Bench when the verdict was read, and that this deponent awaited the return of the Jury; after they had returned they were all called as usual and asked who spoke for them or delivered their verdict, to which Robert Davison answered and gave in the Verdict of the Jury, and whilst the Judge was dictating to the Clerk, who was writing the verdict agreeable to the direction of the said Judge Spencer, the said Thomas Vail came to the Table and requested of the Judge in the most earnest manner, at least twice or thrice, to ask the Jury some questions relative to the second charge in the Indictment, but the said Judge continued directing the Clerk how the entry should be made without an answer to the defendant or any other person until the verdict was entered, and made several alterations to this deponent's knowledge, without asking the Jury or any other Person; this deponent then understood there was a mistake, and the Jury to this deponent appeared at this time to be all at the Bar whilst Mr. Iredell was pleading very earnestly to have the mistake rectified before the Jury were separated or whilst at the Bar; the Judge answered he was alone and would not wish to do anything, or words to this account, that night, and then immediately, or within five minutes adjourned. This deponent further saith, that the Judge did not that night, or any other person say, that the Jury has separated or that they were not all present, nor did he hear any of the Jury while present, or that evening say that the verdict, as to the last part of the charge was entered right. This deponent further saith that he understood there was a mistake in less than two minutes or thereabout and at this time of the mistake, the Judge nor any other person did not say that the Jury were separated in this deponent's presence, and further this deponent hath not said the words "dictating to the Clerk, who, then, said or within a few minutes" were interlined before sworn to or certified.

WILL WILKINS.

The above deposition was sworn to be just & true before me, this 3rd day of November, 1787.

THOMAS BENBURY, J. P.

The business of the Session being ended, Resolved, That the thanks of this House be presented to the Honble. John Sitgreaves, Esquire.

for his able and faithful services as Speaker thereof during this Session.

JOHN SITGREAVES, S. H. C.

By order, J. HUNT, C. H. C.

A Bill to encourage the making Salt in Davidson County. To be Engrossed.

A Bill to Emancipate certain Persons therein mentioned. To be Engrossed. Mr. Henderson.

A Bill to appoint a Trustee in the room of James Sampson, &c. To be Engrossed.

A Bill to repeal part of the Act to amend the Act to regulate the descent of real estates, &c. To be Engrossed. Mr. Ivey.

Juror's Bill. To be Engrossed. Mr. Ivey.

A Bill to authorize the Courts to divide the real Estate of intestates, &c. To be Engrossed. Mr. Ivey.

Roanoke fish Bill. To be Engrossed. Henderson.

The No. East Bill. To amend. Mr. Dixon.

The Treaty of Peace the Law of the Land. To Engross. Mr. Ivey.

The Bill to authorize the Courts to lay Tax to repair public buildings. To Engross. Henderson.

Cleary's Bill. To Engross. Henderson.

The Bill to empower the County Courts to proceed as therein. To Engross. Henderson.

SENATE---FIRST JOURNAL---1787.

STATE OF NORTH CAROLINA.

At a General Assembly begun and held at Tarborough on the nineteenth day of November, in the year of our Lord One Thousand seven hundred and Eighty seven, and of the Sovereignty and Independence of the said State the Twelfth, it being the first session of this Assembly.

The returning officers of the several and respective Counties within the State, certified that the following persons were duly elected to represent such Counties in the Senate, to-wit:

For Anson,

Beaufort,

Bertie, John Johnston;

Brunswick,

Bladen,

Burke,

Craven, James Coor;

Cumberland, Alexander McAllister;

Carteret,

Currituck, Hollowell Williams;

Chowan, Jacob Jordan;

Camden, Issac Gregory;

Caswell, Dempsey Moore;

Chatham, Ambrose Ramsey;

Dobbs,

Duplin, James Kenan;

Davidson, James Roberson;

Edgecombe, Elisha Battle;

Franklin, Henry Hill;

Guilford, Alexander Martin;

Gates,

Granville, Thomas Person;

Greene,

Halifax, Nicholas Long;

Hertford,

Hyde, Abraham Jones;

Hawkins,
Johnston, Joseph Boon;
Jones,
Lincoln,
Moore, Thomas Overton;
Martin, Nathan Mays;
Mecklenburg, Robert Irwin;
Montgomery,
Northampton, Allen Jones;
Nash, Hardy Griffin;
New Hanover,
Onslow,
Orange, William McCauly;
Pasquotank,
Perquimans, John Skinner;
Pitt, John Williams;
Rowan, George H. Beringher;
Rutherford,
Randolph, Jesse Hendley;
Richmond,
Rockingham,
Robinson,
Surry, Joseph Winston;
Sullivan,
Sampson, Richard Clinton;
Sumner, Anthony Bledsoe;
Tyrrell, John Warrenton;
Washington,
Warren, John Macon;
Wayne, Burwell Moring;
Wake, Joel Lane;
Wilkes, William Linser.

Pursuant to which the following Members appeared, presented their Certificates, were qualified agreeably to Law and took their seats, to-wit:

John Johnston, James Coor, Alexander McAllister, Jacob Jordan, Isaac Gregory, Dempsey Moore, Ambrose Ramsey, James Kenan, James Robinson, Elisha Battle, Henry Hill, Alexander Mar-

tin, Thomas Person, Nicholas Long, Abram Jones, Joseph Boon, Thomas Overton, Nathan Mays, Robert Irwin, Allen Jones, Hardy Griffin, William McCauley, John Skinner, John Williams, George H. Berrengher, Jesse Hendley, Joseph Winston, Richard Clinton, Anthony Bledsoe, John Warrenton, John Macon, Burwell Moring, Joel Lane and William Lenoir.

Mr. Battle proposed for Speaker the Honorable Alexander Martin, Esquire, who was unanimously chosen and placed in the chair accordingly.

On motion, Sherwood Haywood was appointed Clerk; whereupon, it was agreed that an Assistant Clerk of this House be immediately balloted for, that Mr. William White and Mr. Montford Stokes be put in nomination for that purpose, and that this balloting be conducted under the direction of Mr. Macon; which being accordingly done Mr. Macon reported that the balloting was closed and that it appeared by the scrolls Mr. Montford Stokes was elected Assistant Clerk. The House taking this report into consideration, Resolved, they do concur therewith; Mr. Wilkes was then qualified.

On motion, William Murphey and Nicholas Murphey were appointed door keepers.

On motion of Mr. Coor, ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Senate are now formed and ready to proceed on the business.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House are also formed and ready to proceed on the business of the public.

On motion, ordered that the following Message be sent to his Excellency the Governor, first being approved of by the House of Commons:

To His Excellency Richard Caswell, Esq., Gov., Captain General, &c., &c.:

SIR:

The General Assembly inform your Excellency that they are now convened and ready to receive such Dispatches and other public matters as you have to lay before them.

Mr. Speaker & Gentlemen:

We propose that the Message which accompanies this be presented to his Excellency the Governor, should it meet your approbation Mr. Overton and Mr. Skinner will, on the part of this House, attend and present him with the same.

On motion of General Jones seconded by Mr. Macon, Resolved, That Mr. Skinner, Mr. Gregory, Mr. Overton, Mr. Allen Jones, Mr. Person, Mr. Irwin, Mr. Lenoir, Mr. Lane and Mr. Kenan be a Committee of Privileges and Elections.

On motion of General Jones seconded by Mr. Clinton, Ordered that Mr. Coor, Mr. Johnston, Mr. Person, Mr. Kenan, Mr. Lenoir, Mr. Bledsoe and Mr. Allen Jones act on the part of this House, with such Gentlemen of the House of Commons as may be appointed to consider of and report what Bills of a public nature are necessary to be passed into Laws by the present Assembly, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that a joint Committee of both Houses be appointed to consider of & report as soon as possible, what Bills of a public & general nature are necessary to be passed into Laws by the General Assembly. We have appointed on our part for this purpose, General Jones, Mr. Coor, Mr. Johnston, Mr. Person, Mr. Kenan, Mr. Irwin, Mr. Lenoir and Mr. Bledsoe.

On motion of General Jones, seconded by Mr. Overton, Resolved, That the Rev. Samuel McDougall be appointed Chaplain to the General Assembly during the present Session.

On motion, ordered that Mr. Johnston, Mr. Clinton and Mr. Kenan act on the part of this House as a Committee of Propositions & Grievances and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have appointed on the part of this House as a Committee of Propositions and Grievances Mr. Johnston, Mr. Clinton & General Kenan, who will act in conjunction with such Gentlemen of your body as may be made choice of for this purpose. Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the two Houses ballot at two o'clock this afternoon for three engrossing & Committee Clerks; We nominate for these appointments, Mr. Curtis Ivey, Mr. Pleasant Henderson, Mr. Dempsey Battle, Mr. John Bryan, Mr. John Dixon, Mr. David Allison, Mr. Abishai Thomas and Mr. William White. We also propose that the three gentlemen who on casting up the votes shall appear to have the greatest number of votes be declared elected. We likewise propose, by way of expediting this business, that the Superintendants wait on each House separately in order to receive the tickets. Should these propositions meet your approbation, Mr. Overton and Mr. Winston will, on the part of this House, superintend the balloting.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House agree to ballot for three engrossing & Committee Clerks as by you proposed.

On motion of Mr. Hill seconded by Mr. Allen Jones, Ordered that Mr. Macon, Mr. Ramsey and Mr. Irwin be appointed on the part of this House as a Committee of Claims, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

General Ramsey, Mr. Macon and Mr. Irwin will, on the part of this House, act with such Gentlemen as you think proper to appoint as a Committee of Claims.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that a Committee on Finance be appointed by the two Houses to examine & report the State & net produce of the revenues of the last Collection, and the present amount & nature of our public debts, who shall extend their enquiries into the State of the Treasury; that they be authorized to call on all officers concerned in receiving, appropriating & accounting for the public monies, or other persons and papers they may deem necessary to such investigation; that they report from time to time and as soon as possible on such matters concerning the public monies & revenue as may stand in

need of immediate amendment or attention; and also make up an estimate of the expences of the foreign & incidental charges of the ensuing year. We have for this purpose on our parts appointed Mr. Franklin, Mr. Steel, Mr. Dickens, Mr. Montgomery and Mr. Blount. As a Committee of Claims we have appointed Mr. Sanders, Mr. Dickens, Mr. Anderson, Mr. John Taylor and Mr. Dodd. Your proposal for appointing a Committee to consider of such Bills of a public nature as are necessary to be passed into Laws at the present Session, we have received & acceded to; as also another for appointing a Committee of Propositions & Grievances; for the first we have nominated Mr. Phifer, Mr. Baker, Mr. Cabarrus, Mr. Polk, Mr. Goudy, Mr. Steele, Mr. Mebane, Mr. Horn, Mr. Harvey & Mr. Potts; for the latter Mr. Thomas, Mr. Creecy, Mr. Ferebee, Mr. Smithwick and Mr. Montgomery.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that a Committee of Finance be appointed for the several purposes and with like powers as by you expressed. We have appointed for this purpose on our part, Mr. Allen Jones, Mr. Skinner, Mr. Person, Mr. Coor, Mr. Clinton, Mr. Winston, Mr. Macon and Mr. Bledsoe, who will act in conjunction with the Gentlemen by you appointed.

The House adjourned till four O'clock this afternoon.

The House met according to adjournment.

Pursuant to the determination of the two Houses Mr. Overton and Mr. Winston, on the part of the Senate, together with Mr. Rhodes and Mr. Franklin, now proceeded to conduct the balloting for Engrossing & Committee Clerks, which being closed Mr. Winston and Mr. Overton reported, that Mr. Curtis Ivey, Mr. Pleasant Henderson and Mr. Abishai Thomas were elected as such; the House taking this report into consideration, Resolved, That they do concur therewith.

On motion of Mr. Macon seconded by Mr. Coor, ordered that the following rules of decorum be observed by the Senate during the present session of Assembly:

1st. When the Speaker is in the chair every member may sit in his place with head covered.

2nd. That every member shall come into the House uncovered and shall continue so at all times but when he sits in his place.

3rd. No member in coming into the House or removing from his place, shall pass between the Speaker; nor shall any member go across the House or from any part thereof to the other, whilst another is speaking.

4th. When any member intends to speak he shall stand in his place uncovered and address himself to the Speaker but not proceed to speak until permitted so to do by the Speaker, which permission shall be signified by naming the member.

5th. When any member is speaking, no other shall stand or interrupt him; but when he has done speaking and taken his seat, any other member may rise, observing the rules.

6th. When the Speaker desires to address himself to the House he shall rise, and be heard without interruption, and the member then speaking shall take his seat.

7th. If more than one member attempt to speak at any time the Speaker shall determine which was first up.

8th. When any question shall be before the House, and not perfectly understood, the Speaker may explain but shall not attempt to sway the House by argument or debate.

9th. No member speaking to be disturbed by coughing, spitting, conversation or otherwise; and whoever by spitting, hissing or in any other manner, wilfully or carelessly disturbs or interrupts any member on the floor, he shall answer for it at the bar and be liable to be censured by the Speaker.

10th. That he that digresseth from the subject to fall on the person of any member shall be suppressed by the Speaker.

11th. Exception taken to offensive words to be taken the same day they shall be spoken, and before the member who spoke them shall go out of the House.

12th. Whatever is spoken in the House may be subject to the censure of the House.

13th. Whenever any matter is in debate before the House it shall be determined or postponed before any new business shall be introduced.

14th. No heats or animosities shall be permitted in the House.

15th. No member shall speak more than twice without leave on

the same question, unless it be in a Committee of the whole House.

16th. No question shall be put on any motion unless seconded.

17th. Every member making any motion which is not of course, shall before making such motion reduce the same to writing.

18th. If there should be any equality of votes for and against any question, the Speaker shall declare whether he be a yea or a nay, but shall in no other case give his vote.

19th. No member shall depart from the service of the House without leave first obtained and signified by the Speaker, nor having leave shall stay longer than the time limited under the penalty of forfeiting his pay as a member, and being sent for to undergo the further censure of the House.

20th. Upon motion for an adjournment no member shall presume to move until the speaker arises and goes before.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have added to the Committee on Finance the following Members, to-wit: Mr. Cabarrus, Mr. Henderson, Mr. Potts, Mr. Polk, Mr. Campbell, Mr. N. Jones, Mr. Brown, Mr. Mebane, Mr. Grove and Mr. Everagin.

The House adjourned till To-morrow Morning 10 o'clock.

TUESDAY, 20 November, 1787.

The House met according to adjournment.

Mr. John Easton the member for the County of Carteret, appeared presented his certificate, was qualified agreeably to law and took his seat.

Mr. Benjamin Sheppard, the member for the County of Dobbs, appeared, presented his Certificate, was qualified agreeably to law and took his seat.

Mr. Battle moved for leave and presented a Bill to compel the attendance of all such persons as are or shall be Elected to represent any County or Town in the General Assembly of this State, at such time and place as may be appointed; which was read the first time, passed & sent to the House of Commons.

Mr. Allen Jones moved for leave and presented a Bill for making proofs in Equity effectual against persons who abscond and who reside without the limits of the State, and for better regulating the

proceedings in Courts of Equity; which was read the first time, passed and sent to the House of Commons:

Mr. Jones also moved for leave and presented a Bill for granting and securing to John Fitch the sole right and advantage of making and employing the Steam Boat by him lately invented, for a limited time; which was read the first time, passed and sent to the House of Commons.

Mr. Jones likewise moved for leave and presented a Bill to amend an act intituled "an Act to remove all disabilities from Simon Cleary, and others therein named," which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the Petition of Archibald Cain. Endorsed in that House, Referred to the Committee of Propositions and Grievances, which being read was referred in like manner and returned.

Mr. Coor presented the Petition of William Good, praying that an act of Assembly may be passed confirming his title to a certain tract of land in Craven County, which was read and referred on the part of this House, to Mr. Person, Mr. Macon and Mr. Coor.

Mr. Allen Jones moved for leave and presented a Bill to repeal two acts of the General Assembly of this State, one passed at New Bern 1784, intituled "an Act to describe and ascertain such persons who owe allegiance to this State, and to impose certain disqualifications on certain persons therein described;"

The other passed at New Bern in the year 1785, intituled "an Act to amend an act passed at New Bern in the year 1784 intituled an Act to amend an Act intituled an act to describe and ascertain such persons who owe allegiance to the State and to impose certain disqualifications on certain persons therein described;" which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons a resolve prescribing a method by which the two Houses shall be governed in reading and passing bills at the presnt Session, which was read and rejected;

Whereupon, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The resolution of your House prescribing the method by which the two Houses shall be governed in reading and passing Bills at the

present Session we have received, but do not concur therewith. We therefore propose that they be confined to no particular or other method than that which has heretofore governed them in this business.

Mr. Coor moved for leave and presented a Bill to repeal an act passed in 1786 intituled "an additional Act to an Act intituled an act for regulation of the Town of New Bern and for other purposes;" which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the Petition of Edward Bridges. Endorsed in that House, Referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Mr. Skinner presented the Petition of Mary Richards, praying that the Estate of Jerome Giraud late of Halifax, deceased, or some part thereof which she supposes to be confiscated to the State by his self murder, should be allotted to her use in consequence of a marriage contract which she alleges was existing between them at the time of his death; which being read was referred to the Committee of Propositions & Grievances.

Received from the House of Commons the following Message, to-wit:

Mr. Speaker & Gentlemen:

We have added Mr. Sawyer to the Committee of Propositions & Grievances.

Mr. Speaker & Gentlemen:

We have added Mr. Philemon Hawkins to the Committee of Finance and to the Committee for considering of public Bills.

Received also, the Petition of William Parham. Endorsed, read and referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

On motion, ordered that Mr. Clinton be added to the Committee of Claims and that the following Message be sent to the House of Commons, to-wit:

Mr. Speaker & Gentlemen:

We have added Mr. Clinton to the Committee of Claims.

Mr. Berger presented the Petition of John Dicksy and William

Sharpe, Executors of the last Will and Testament of Briga. General Davidson, and praying the direction of the Assembly relative to a balance supposed still to be due the said deceased; which was read and referred to the Committee of Propositions and Grievances, and sent to the House of Commons for their Concurrence in such reference.

Received from the House of Commons the resignation of David Crawford, Esq., Justice of the Peace for the County of Rowan. Endorsed, read and accepted; which being read was also accepted by this House and returned.

Adjourned till to-morrow morning nine o'clock.

WEDNESDAY, 21 November, 1787.

The House met according to adjournment.

Mr. Joseph Martin, the member for the County of Sullivan, appeared, presented his certificate, qualified agreeably to Law and took his seat.

Mr. Allen Jones moved for leave and presented a Bill to authorize and empower the County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age; which was read, passed the first time and sent to the House of Commons.

Mr. Skinner moved for leave and presented a Bill directing the appointment of Wardens of the Poor in the County of Perquimans; which was read, passed the first time and sent to the House of Commons:

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

On receipt of your message in answer to the resolutions we sent to the Senate relative to the mode of passing Bills into laws at the present Session, we are at a loss to know what plan you mean to follow, therefore wish you to give us information whether you mean to adopt the rules of the last Assembly on that head or the rules observed by the preceding Assemblies.

The House taking this Message into consideration,

Resolved, That the following rules of reading and passing Bills into Laws be observed during the present Session.

All Bills introduced in either House shall be subject to amendment

on the first, second and third reading, but after being passed three times in either House shall not be altered or amended without the consent of that House where it first originated, and shall not be engrossed until after being three times read in each House.

Mr. Jordan presented a petition of a number of the Citizens of this State in behalf of Thomas Garrett, which being read was ordered to be sent to the House of Commons for their information.

Mr. Overton presented the claim of Richardson Fager, Sheriff of Moore, for conveying Philip Alston from the said County to the Town of Wilmington; which being read was referred to the Committee of Claims & ordered to be sent to the House of Commons for their concurrence in such reference.

Mr. Relfe the member for the County of Pasquotank, appeared, presented his certificate, was qualified agreeably to law and took his seat.

Received from the House of Commons the Memorial of the Hon. Samuel Ashe, Esq. Endorsed in that House, Read and referred to Mr. McDowall, Mr. Mebane, Mr. P. Hawkins and Mr. J. Baker; which being read was, on the part of this House, referred to Mr. Person, Mr. Long and Mr. Lane.

Received also, the following Message:

Mr. Speaker & Gentlemen:

We herewith transmit you a message this day received from his Excellency the Governor, together with sundry dispatches from Congress and other papers therein referred to, which we propose submitting to the consideration of the Committee appointed to report what Bills of a public nature are necessary to be passed into Laws at the present Session.

Whereupon, ordered that the following message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Message from his Excellency the Governor, together with the papers accompanying it, to be referred as by you proposed.

Received from the House of Commons a Memorial from sundry inhabitants of Rowan County. Endorsed, referred to the Commit-

tee of Propositions and Grievances; which was read and referred in like manner and returned.

Mr. Joseph Martin presented sundry depositions relative to the late election for Members of Assembly for the County of Sullivan, which were read and ordered to be referred to the Committee of Privileges and Elections.

Received from the House of Commons the Claim of Samuel Young relative to articles by him furnished for the use of the public. Endorsed, referred to the Committee of Claims; which being read was ordered to lie on the table.

On motion of Mr. A. Jones & Mr. Macon, ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the General Assembly fix on Wednesday, the fifth day of December next, as a time in which they will enter on the important business of the Federal Convention.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly fix on Wednesday, the fifth and circumstances set forth in the Memorial of Patrick Cleary, that the same together with all the testimonials therein referred to, be submitted to the examination of a Committee who shall make a special report therein as soon as possible. We have for this purpose on our part appointed Mr. P. Hawkins, Mr. Jos. McDowall, Mr. J. Brown, Mr. Phifer, Mr. Mebane, Mr. Wynns, Mr. Person, Mr. Coor, Mr. Allen Jones & Mr. Hill to act on the part of this House for the above mentioned purpose.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Senate agree that the Memorial of Patrick Cleary, together with the Testimonials therein referred to, be submitted to the consideration of a joint Committee; we have for this purpose appointed Mr. Person, Mr. Coor, Mr. Allen Jones & Mr. Hill.

Received from the House of Commons the Memorial of James Kerr, the Claim of Richardson Fagan and the Petitions of William Good, Mary Richards and the Executors of the late Brigadier Gen-

eral Davidson. Severally endorsed, read & referred as by the Senate.

Received also the Bill to repeal an act passed in 1786, intituled "an additional act to an Act, for the regulation of the Town of New Bern, and for other purposes." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time and returned.

Received likewise a Memorial from the Inhabitants of the town of Wilmington. Endorsed, referred to the Committee of Propositions & Grievances; which was read and referred in like manner by this House and returned.

Mr. Jordan presented the Petition of James Garrett and Mary his wife, praying that an act might be passed permitting the Divorce and separation of them the said James and Mary; which was read and ordered to be sent to the House of Commons, for their information.

Adjourned till to-morrow Morning 10 o'clock.

THURSDAY, 22 November, 1787.

The House met according to adjournment.

Mr. Thomas Owen, the member for the County of Bladen, appeared, presented his certificate, was qualified agreeably to Law and took his seat.

Mr. Allen Jones presented the Petition of Peter Goodwin of Franklin County, which was read, referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., and sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House have added Mr. Carson, Mr. Franklin, Mr. Nixon, Mr. Dauge, Mr. John Baker, Mr. T. Sherrod, Mr. Hays and Mr. Marshall to the Court of Claims, and Mr. Goudy & Mr. Wynns to the Committee of Propositions & Grievances, and propose that a Committee to consist of Members from each House be appointed to consider of and report on Petitions and Memorials, and have for this purpose on our part appointed Mr. Dodd, Mr. Williams, Mr. Cabarrus, Mr. Thackston and Mr. J. McDowall, Jr.

The House taking this Message into consideration ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Senate do not agree with you in the appointment of a Committee of Petitions and Memorials, being of opinion this business comes properly before the Committee of Propositions & Grievances.

Received from the House of Commons a Bill for granting and securing to John Fitch the sole right and advantage of making and employing the Steam Boat by him invented, for a limited time. Endorsed, read the first time and passed.

Ordered that the Bill be read, the same being read was amended, passed the second time and returned.

Received also, the resolution of this House prescribing the rules to be observed by the two Houses in reading & passing Bills at the present session. Endorsed, concurred with.

Also the Memorials of William Armstrong. Endorsed, read and referred in like manner and returned.

Mr. Person, from the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., delivered the following report:

Your Committee to whom was referred a Memorial from the Hon. Samuel Ashe on the subject of a charge brought against the Estate of his deceased Brother John Ashe, Esq., late Treasurer of the Southern District, beg leave to report.

That they have examined the same and inquired into the Circumstances therein set forth. They find from the information of sundry Persons and receipt from Mr. Bloodworth, the Treasurer who immediately succeeded Mr. Ashe, that the balance struck with the Committee of Accounts on his last settlement was delivered with an overplus of three hundred and twenty p'ds into the Hands of the said Successor, and that another charge of Six Thousand three Hundred and eighty-five pounds two Shillings which was charged in his account but never carried forward was in all probability discharged by Brigadier General Ashe at the end of the Smithfield Session, for it appears to us that he then paid off the Certificates of a number of the Members and other persons for their attendance at that Session, which we do not find to have ever been credited in the amount or charged to the State, and it is the belief of your Committee from the evidence they have had that the Certificates and

vouchers then taken in by General Ashe were intended to have balanced the aforesaid Six Thousand Three hundred and eighty-five p'ds two shillings, but upon the coming of the British troops into his neighborhood these were amongst the papers buried, as the Memorial set forth, in an untight Casket, which owing to the General's death without discovering where they were, and the long absence of the only living person knowing thereto were entirely destroyed.

Your Committee are of opinion it would be an act of cruel injustice, when there is so strong a combination of circumstances to prove the above matters, that perfect Evidence should be required of them which at this distance of time it is next to impossible to procure, as also that for a defect of complete testimony the Orphan Children of an old public servant should be reduced when there is every reason to believe from circumstances of a very pregnant kind that the facts are as above stated.

Your Committee therefore recommend that the Estate of the said John Ashe, Esq., be discharged of the said demand as stated by the Comptroller's Books and that this report being concurred with by both Houses, shall at all times hereafter be deemed and operate as a full discharge of the same; all which is submitted.

THOS. PERSON. Chr.

The House taking the foregoing report into consideration, resolved, That they do concur therewith.

Received from the House of Commons the Bill authorizing and requiring the County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time and returned.

Mr. Person, from the Committee appointed on the Petition of William Good, delivered in the following report, viz:

The Committee to whom was referred the Petition of William Good, Esq. report,

That they have duly considered the subject of the said Petition and are of opinion that the prayer thereof is reasonable and that a Law should be passed for that purpose.

THO. PERSON, Chr.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Whereupon, Mr. Coor moved for leave and presented a Bill to ascertain the true courses of a tract of Land on Neuse river in Craven County, which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have added Mr. Bloodworth to the Committee appointed to consider what Bills of a public nature are necessary to be passed into Laws during this Session and to the Committee on Finance.

Received also the report of the Committee appointed on the Petition of the late Samuel Ashe, Esq. Endorsed, read and concurred with.

Mr. Abram Jones moved for leave and presented a Bill for Establishing a town in the County of Hyde on the Land of Joseph Gibbs; which was read the first time, passed and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received your Message proposing a Day for the consideration of the business of the late Federal convention, and do approve thereof.

Mr. Skinner presented the Petition of Thomas Harvey of Perquimans County, accompanied by the proceedings of a Court held in the Town of Halifax for the trial of a negro named Toney, the property of the said Harvey, which was read and ordered to be sent to the House of Commons for their information.

Received from the House of Commons the Bill for making proofs in Equity effectual against persons who abscond or who reside without the limits of the State, and for better regulating the proceedings in Courts of Equity. Endorsed, read the first time and passed. Ordered that this Bill be read which being read was passed the second time and returned.

Received also, the Petition of Mr. Quin. Endorsed, read and referred to the Committee of Propositions and Grievances by this House and returned.

The Speaker laid before the House a Petition from Ann Field wife of Robert Field; at the same time Mr. Long presented a Petition of Jemima and Robert Field, each of which were read and ordered to be referred to the Committee appointed on the Memorial of Hon. Samuel Ashe, Esq.

Received from the House of Commons the Bill to compel the attendance of all such Persons as may be Elected to represent any County or Town in the General Assembly of this State at such time and place as may be appointed. Endorsed, read the first time & passed. Ordered that the Bill be read the first time & passed; which being read was amended, passed the second time and sent to the House of Commons.

Received also, a Bill for the better regulation of the Town of Edenton. Endorsed, read the first time and passed.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We herewith transmit you a Message of this day's date received from His Excellency the Governor, on the subject of the public Tobacco lately stored at Washington, together with the sundry papers accompanying it; also a representation from John Haywood, Esq., late purchaser of Tobacco on the same subject, those papers as they appear to us to deserve the earliest attention, we propose referring to a joint Committee and have on our part appointed Mr. Polk, Mr. P. Hawkins, Mr. Cabarrus, Mr. Dickens, Mr. Mebane and Mr. McDowall.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

Your Message respecting the several papers therewith transmitted on the subject of the Tobacco lately purchased by the Commissioner we have received and as we are of opinion with you that some of them, particularly those relative to the Tobacco stored at Washington, deserve the earliest attention; we have appointed Mr. Coor, Mr. Skinner, Mr. Person and Mr. Allen Jones to act as a Committee with the Gentlemen by you appointed for the consideration of them.

The House adjourned till to-morrow Morning 10 O'clock.

FRIDAY, 23 November, 1787.

The House met according to adjournment.

Mr. Joseph Reddick the Member for the County of Gates, and Mr. James Miller the member for the County of Rutherford, appeared, produced their Certificates, were qualified agreeably to Law and took their seats.

Received from the House of Commons a Petition of the Committee of the People of Mecklenburgh County. Endorsed, Ordered to be sent to the Senate.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is the opinion of this House that the Petition of the Committee of Mecklenburg County be referred to that appointed at the present session for reporting what Bills are necessary to be passed into Laws.

Mr. Battle moved for leave and presented a Bill to prevent frauds by the Depreciation of paper Currency which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Petition of John Shelby and Ruth Hawkins. The first Endorsed, referred to the Committee of Claims; and the latter to the Committee on public Bills; which being read both were rejected.

Mr. Gregory presented the petition of John Johnston, Esq., setting forth that he is in possession of a piece of Land purchased of Henry Eustace McCulloch and which, without the interposition of the Legislature will be sold as Confiscated; which was read, referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., and sent to the House of Commons for their concurrence on such reference.

Mr. Winston presented a Bill to repeal part of an act passed at Fayetteville, 1786, entitled "an Act to improve the several County Courts therein mentioned, to lay a tax annually not exceeding three years, for the purpose of erecting or repairing the Court House, prison & Stocks in each County when necessary, and for defraying the Contingent charges of the Counties;" which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a Bill for the more easy

recovery of rents and to prevent Tenants from committing frauds. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Received also, the Bill for Establishing a Town in the County of Hyde on the Land of Joseph Gibbs. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time and sent to the House of Commons.

Received likewise the Bill to repeal an act passed in 1786, intituled "an additional Act to an act Instituted an act for the regulation of the Town of New Bern, and for other purposes." Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read was passed the third time in this House, and sent to the House of Commons.

Mr. Boon presented the resignation of Richard Warren a Justice of the Peace of Johnston County, which was read, accepted and sent to the House of Commons.

Received from the House of Commons the Bill to ascertain the true courses of a tract of land on Neuse River in Craven County. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time and sent to the House of Commons.

Mr. Allen Jones presented the Petition of the yearly Meeting of the People called Quakers; which was read, referred to the Committee appointed to report what Bills are necessary to be passed at the present Session, and sent to the House of Commons.

Received from the House of Commons the Bill for granting and securing to John Fitch the sole right and advantage of constructing making & vending the steam boat by him lately invented, for a limited time. Endorsed, read the second time & passed. .

Ordered that this Bill be read, which being read was amended, passed the third time and sent to the House of Commons.

Mr. Person, from the joint Committee, delivered in the following report:

The joint Committee of both Houses appointed to consider of & report what Bills of a public and general nature are necessary to be passed into laws this present Assembly, report the following:

A Bill agreeable to the recommendation of Congress of the 13th April, 1787;

A Bill ascertaining the salaries of the officers of Government & Contingencies;

A Bill for the better ordering, equalizing and collecting the Taxes for the ensuing year;

A Bill directing the duty of the several Clerks of Superior & County Courts in this State, with respect to the issuing of writs;

A Bill empowering the Counties therein mentioned to pay for negroes Executed, by a tax in said Counties on black polls; all which is submitted.

THOS. PERSON, Ch.

The House taking this report into consideration, Resolved, That they do concur therewith.

Mr. Jones presented a Bill for altering the place of holding Courts in the County of Randolph, for erecting public buildings therein, & for appointing Commissioners, &c., accompanied by a Petition from a number of the Inhabitants of the said County respecting the situation of the said buildings; which being read it was ordered that they be referred to the consideration of a joint Committee, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the Bill respecting the public Buildings in the County of Randolph, together with the Petition herewith sent you on that head, be referred to the consideration of a joint Committee. We have appointed for this purpose on our part, Mr. Ramsey, Mr. McCauly and Mr. Winston.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree that the Petition of the Committee of Mecklenburg County be referred as by you proposed.

Received also, the Petition of John Johnston, Esq., and the Petition of the Committee of the People called Quakers. Each endorsed, read and referred as by the Senate.

Mr. Person presented the Memorial of the Field Officers of Davidson County setting forth sundry Grievances, and praying relief:

which was read, referred to the Committee of Propositions & Grievances & sent to the House of Commons for concurrence in such reference.

Mr. Gregory, from the Committee of Privileges and Elections, delivered in the following report:

The Committee of Privileges & Elections beg leave to report that they have examined the papers and evidence relative to the Election of Thomas Amis & Stokely Donaldson, Esqrs., to represent the County of Hawkins in the Honorable the House & Senate, by which it appears to your Committee that John Hunt, Esq., Sheriff of said County, hath granted to Mr. Donaldson a Certificate setting forth that he was on the third Friday and Saturday in August last duly elected; that George Ridley, Francis Marybury & Daniel Hamlin, inspectors of the poll at the Election held in said County, have jointly granted to Mr. Amis a Certificate specifying that he was duly elected on said third Friday & Saturday in August; it further appears to your Committee that said Inspectors have respectively sworn to and signed separate certificates, setting forth that the election was during both days conducted without commotion or interruption, (except by one man who, in the deposition of George Ridley is set forth to have said in the hearing of the defendant & whilst the poll was open, that if the people were all of his mind he would have his vote or a blow and he did not care which he gave first), until the close of the second day of election, at which time the polls was closed; that the Sheriff nor his deputy did not attend on said last mentioned day, but that the election was conducted under the inspection of the deponents.

Your Committee further report that it appears from the testimony of Mr. McHenderson taken on oath before your Committee, that Mr. Peter Turney said to be the Sheriff of a county called Spencer which interferes with the present existing County of Hawkins, publicly advertised that an election would be held at the House of Mr. Joseph Rogers on the third Friday & Saturday of August aforesaid, then & there to elect three persons to represent them in the General Assembly of North Carolina, that said Mr. Turney was present at the opening of the polls for the first mentioned day, but that the polls was opened by the Sheriff of Hawkins, that said Sheriff did make proclamation that no person would be allowed to vote but such

as had paid Tax & was qualified otherwise according to law; that when about three votes were taken Col. Cocke appeared with a number of men, some of whom were from Greene County; that he, the deponent, had undoubted information that these men had come part of the way armed, in consequence of which he was apprehensive a riot would ensue, that he advised the Sheriff to adjourn the election until the next day, which he accordingly did; that the deponent, the Sheriff & some other friends dispersed by different routes, having previous thereto agreed to meet the ensuing day at the House of Mr. Cormack, that they met according to said agreement, but from intelligence received that the opposite party threatened to route them, they adjourned to a third place where the polls were opened by the Sheriff, and there being but a small number of voters present it was again closed in haste.

It further appeared to your Committee from the information contained in the deposition of Benoni Perryman had before John Long, Esq., J. P., of Hawkins County, that Mr. Peter Turney aforementioned when asked by the deponent who was to open the election, "The Sheriff of the old State or the Sheriff of the new?" answered, "by both, agreeable to a resolve of Convention," that said Turney. asked the deponent how they intended to take in the votes, who answered that those only would be allowed who had given in their Taxable property and complied with the Law; that said Mr. Turney replied, if that was the case the strongest party should take the House, and the said Turney also told the deponent, before & since the election, that it was not the intention that the members should take their seats, but to disconcert the election.

Your Committee are therefore of opinion, from the facts contained in the foregoing testimony, that neither of the parties is entitled to a seat, as the testimony of Mr. Henderson corroborated by that of Mr. Perryman, fully evinces that the party who fled from the first appointed place of holding the election had real cause for bodily fear, consequently the election there carried on was disorderly and illegal & that the election carried on by the party who dispersed and assembled at different places is illegal, as they have neglected to return a State of the polls with the names of the voters according to Law, which is also neglected by the opposite party.

Your Committee therefore recommend that a new writ of election

be issued for the election of a member to represent said County of Hawkins in the House of Senate; all which is humbly submitted.

ISAAC GREGORY, Chm.

The House taking the foregoing report into consideration Resolved, That they do concur therewith.

Mr. Robertson presented the Petition of sundry of the Inhabitants of Davidson County, which was read, referred to the Committee of Propositions and Grievances and sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the resignation of Burridge Shelby a Justice of the Peace for the County of Hyde, & the resignation of James White a Justice of the Peace for the County of Currituck. Each endorsed, read and accepted; which being read was accepted by this House & returned.

Received also, a presentment from the Grand Jury of Morgan District. Endorsed, read & referred to the Committee on Public Bills; which was read, referred in like manner & returned.

Mr. Irwin presented the Memorial of Thomas Polk, Esq., which was read, referred to the Committee of Propositions & Grievances and sent to the House of Commons.

Received from the House of Commons the Petition of John Beck, Endorsed, referred to the Committee of Propositions & Grievances; which was read, referred in like manner by this House & returned.

Received also, the resignation of Richard Warren a Justice of the Peace for the County of Johnston. Endorsed, read & accepted.

Mr. Person delivered in a Presentment of the Grand Jury of Salisbury District complaining of sundry grievances & praying redress, which was read, referred to the Committee of Propositions & Grievances & sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the Bill for the better regulations of the Town of Edenton. Endorsed, read the third time, amended & passed.

Ordered that this Bill be read, which being read was passed the third time & Ordered to be Engrossed.

On motion, Ordered that Mr. Allen Jones have leave to withdraw for amendment the Bill authorizing and requiring the County Courts of Pleas and Quarter Sessions to divide and appropriate the real

Estate of Intestates, where one or more of the claimants are under age.

Adjourned till Monday Morning 10 O'clock.

MONDAY, 26 November, 1787.

The House met according to adjournment.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have added Mr. Mckinne to the Committee of Propositions & Grievances.

Mr. Crawford the Member for the County of Richmond, & Mr. John Wilkes the Member for the County of Roberson, appeared, produced their Certificates, were qualified agreeably to Law and took their seats.

Mr. Macon moved for leave and presented a Bill to charge the Estate of Honore Giraud, late of the Town of Halifax, deceased, with the payment of all his just Debts and to prefer the same to the title acquired by this State in the property which was of the said Giraud in consequence of his self murder; which was read, passed the first time & sent to the House of Commons.

Mr. Allen presented the resignation of John Knox, Esq., a Justice of the Peace for the County of Northampton; which was read, accepted & sent to the House of Commons.

Mr. Allen Jones moved for leave and presented a Bill for the Emancipation of the slaves and property of the people called Quakers, under certain rules and restrictions therein mentioned; which being read was passed the first time & sent to the House of Commons.

Mr. Allen Jones likewise moved for leave and presented a Bill to prevent the further importation of slaves, which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to compel the attendance of all such persons as are or may be Elected to represent any County or Town in the General Assembly of this State, at such time & place as may be appointed.

Ordered that this Bill be read, which being read was amended, passed the third time & sent to the House of Commons.

Mr. Allen Jones moved for leave and presented a Bill to repeal such laws as militate against the Treaty of Peace with the King

of Great Britain; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Bill to establish Order, Security and efficacious government in the western parts of this State. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was rejected.

Mr. Gregory, from the Committee, delivered in the following report:

Your Committee of Privileges and Elections beg leave to report,

That they have examined the several papers and other evidence exhibited by Landon Carter and John Tipton, Esq., relative to their Election to represent the County of Washington in the Hon. House of Senate, from which it fully appears to your Committee that John Tipton, Esq., is duly Elected. Your Committee are therefore of opinion that Mr. Tipton ought to be permitted to qualify & take his seat accordingly. All which is submitted.

ISAAC GREGORY, Chr.

The House taking this report into consideration, and having again investigated the facts on which it is founded, are of opinion that the returns of the Sheriff are not admissible, and said Election has been conducted in an illegal manner and ought to be set aside. Whereupon Resolved, That the said Election be and it is hereby declared void, and that a new writ of Election issue to the County of Washington for the Election of a Senator on the first Monday & Tuesday in March next, to represent said County in the present Assembly.

Mr. Owen presented the Petition of Mary White widow of David Lindsay White, late Sheriff of Bladen County, setting forth the disorderly condition of her late Husband's accounts and praying the direction of the General Assembly relative thereto; which was read referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., & sent to the House of Commons for their concurrence of such reference.

On motion of Mr. Macon, Resolved, That all claims to be adjusted by this present Assembly be first introduced in one Branch of the Legislature & sent to the other with an Indorsement & reference as in cases of Petitions & Memorials.

Mr. Speaker & Gentlemen:

We propose that the resolution which accompanies this be adopted in view of the one by you entered into on the same subject.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This accompanies a Message this day received from His Excellency the Governor, with an account of the warrants by him drawn on the public Treasury for Twelve Months past, which we propose referring to the Committee on Finances together with the other papers referred to.

The foregoing being read, it was Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Message from his Excellency the Governor of the 26th Inst. together with the papers therein referred to be submitted to the consideration of the Committee appointed on Finance.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the representation of the Field Officers of Davidson County be referred to a special Committee instead of the Committee of Propositions & Grievances as by you proposed, and for this purpose have on our part, appointed Mr. Campbell, Mr. Polk, Mr. J. Hill, Mr. Franklin & Mr. Ewing a Committee.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the representation from the Field officers of Davidson County be referred to the consideration of a joint Committee as by you proposed. For this purpose we have appointed Mr. Lenoir, Mr. Long & Mr. Owen, who will act with the Gentlemen by you named.

Mr. Skinner, who had leave to withdraw for amendment the Bill for Electing Wardens of the Poor, delivered in the same, which was read with the amendments, passed the first time & sent to the House of Commons.

Mr. Kenan presented the Petition of John Bradley, Esq., of the

Town of Wilmington, which was read and Ordered to be sent to the House of Commons with the following Message:

Mr. Speaker & Gentlemen:

We propose that the Petition of John Bradley herewith sent you, be referred to the consideration of a Special Committee, & have for this purpose on our part, appointed Mr. Owen, Mr. Kenan & Mr. Macon.

Received from the House of Commons the Bill to prevent the further importation of Slaves. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time & sent to the House of Commons.

Mr. Allen Jones moved for leave & presented a Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina, which was read the first time & sent to the House of Commons.

Mr. Gregory presented the Petition of Benjamin Wilson and of Zephaniah Bnrges of the County of Camden, praying, &c.; which was read, referred to the Committee appointed on the Memorial of Hon. Samuel Ashe, Esq., & sent to the House of Commons for their concurrence in such reference.

Mr. Owen presented the Petition of Ryham Rading of Bladen County, which was read, referred to the Committee of Propositions & Grievances & sent to House of Commons.

Received from the House of Commons the Bill for the Emancipation of Slaves the property of the people called Quakers, under certain rules and restrictions therein mentioned. Endorsed, read the first time and passed. Ordered that the Bill be read, which being read was on motion, rejected. Whereupon, on motion of Mr. Skinner, seconded by Mr. Macon, Ordered that the yeas and nays be taken on this Bill which are as follows:

For the passage of the Bill—Mr. Overton, Mr. Allen Jones, Mr. Ramsey, Mr. Coor, Mr. McCawley, Mr. Johnston, Mr. Gregory, Mr. Jordan, Mr. Lenoir, Mr. Person, Mr. Long, Mr. Robinson, Mr. Hendley, Mr. Relfe, Mr. Easton, Mr. Riddick, Mr. Willis, Mr. Crawford & Mr. Mayo.—19.

Against the passage of the Bill—Mr. Battle, Mr. Griffin, Mr. J. Williams, Mr. Lane, Mr. Skinner, Mr. Warrington, Mr. Hill, Mr.

Boon, Mr. Mooring, Mr. H. Williams, Mr. Moore, Mr. Kenan, Mr. McAllister, Mr. Irwin, Mr. Owen, Mr. Martin and Mr. Miller.—17.

Mr. Irwin presented the Petition of Daniel Colebreath of Cumberland County, which was read, referred to the Committee appointed on the Memorial of the Hon. Samuel Ashe, Esq., & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House have received and considered the resolution of your House respecting the mode proposed to be adopted in allowing claims, with which we cannot concur from a supposition that too much time will be taken up in passing the Claims through the two Houses of the General Assembly, and hope that the Senate will consider their resolution on that Head and concur therewith.

The foregoing being read, it was Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We cannot accede to your proposition relative to the manner Liquidating Claims, therefore hope you will agree to adopt the resolution of this House first entered into on that subject.

Received from the House of Commons a Bill to empower the administration of Samuel Swann, Esq., late of New Hanover County, deceased, to sell and dispose of part of the real estate of said Samuel for the payment of his debts, in order to make the better provision for his family, and also to make conveyances for such part of the real Estate as was sold by the said Samuel in his life time. Endorsed, read the first time & passed.

Ordered that the Bill be read, which being read, was passed the first time and sent to the House of Commons.

Received also, the presentment of the Grand Jury of Salisbury District, the Memorial of Thomas Polk, Esq., and the Petition of Mary White. Each Endorsed, referred as by the Senate.

Received likewise a Petition of John Walker, Esq. Endorsed, referred to the Committee of Propositions and Grievances & The Petition of John Campbell. Endorsed, referred to the Committee of Claims; which being read, the former was rejected and the latter ordered to lie on the Table.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to prepare and bring in a Bill relative to Claims against the State which remain yet unliquidated. We have for this purpose on our part, appointed Mr. Allen Jones, Mr. Coor and Mr. Macon.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree that the Bill and the Petition therewith sent us relative to the public buildings in the County of Randolph, be committed as by you proposed. We have on our part appointed Mr. P. Hawkins, Mr. T. Devane, Mr. Stewart and Mr. John Taylor a Committee.

Recd. also, the report of the Committee appointed to consider what Bills of a public nature are necessary to be passed at the present Assembly. Endorsed, read and concurred with.

Also, the resignation of John Knox, Esqr., a Justice of the Peace for the County of Northampton. Endorsed, read & accepted.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We agree that the Petition of Mr. Bradley with the papers accompanying it be referred as by you proposed. We have for this purpose on our part, appointed Mr. Polk, Mr. Rhodes, Mr. Blount, Mr. Grave and Mr. Potts.

Mr. Robins moved for leave and presented a Bill to encourage the making of Salt in Davidson County; which was read the first time, passed & sent to the House of Commons.

Received from the House of Commons the following resolution:

Resolved, That no private Bill be received after Tuesday next. The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The resolution of your House prohibiting the introduction of Private Bills after Tuesday next we have received & concurred with.

Received from the House of Commons a Memorial from the Honorable the Judges of the Superior Courts of Law and Equity in this

State. Endorsed, referred to the Committee on the Memorial of Judge Ashe; which being read was referred in like manner and returned.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the Petition from the Inhabitants of Davidson County be referred to the Committee appointed to consider of public Bills, as sundry papers relative to the subjects treated of in the said Petitions have been already referred to them, together with the papers received from his Excellency the Governor.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Petition of the Inhabitants of Davidson County be referred to the Committee appointed on Public Bills, as by you proposed.

Received also the following Message:

Mr. Speaker & Gentlemen:

We herewith send you the Petition of Sundry of the Inhabitants of Rowan County, praying a division thereof, together with a Bill formed for that purpose which we propose submitting to a Committee from both Houses. We have on our part, appointed Mr. Phifer, Mr. Goudy, Mr. Polk, Mr. Hawkins, Mr. Mebane and Mr. Cabarrus a Committee.

The House taking the foregoing into consideration, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

Mr. Person, Mr. Bergher & Mr. Irwin will act with the Gentlemen by you appointed to consider of our report on the Petition and Bill respecting the division of Rowan County.

Received from the House of Commons the Petition of William Alexander. Endorsed, referred on the part of this House to Mr. Polk, Mr. Phifer & Mr. Steele; which being read was referred on the part of the Senate to Mr. Bergher, Mr. Williams & Mr. Joseph Martin and returned.

Adjourned till 4 O'clock P. M.

The House met according to adjournment.

Received from the House of Commons Sundry Petitions in behalf of Thomas Wade, Esq., of Anson County. Endorsed, referred to the Committee appointed on the Petition of John Bradley; which being read was on motion rejected.

Received also the Petition of Nathan Hooker. Endorsed, referred to the Committee of Propositions and Grievances; which being read was referred in like manner & returned.

Mr. Johnston, from the Committee, delivered in the following report:

The Committee of Propositions & Grievances to whom the Memorial of sundry of the Inhabitants of Rowan County was referred report,

That divers persons became purchasers of Lands in the County of Rowan in consequence of sales held by General Rutherford, the then superintendant Commissioner of Confiscated Estate in Salisbury District; that

They from misguidance, or the want of such Certificates as were then only receivable in discharge of two-thirds of the purchase money, were induced to give their Bonds for the payment of the whole sum in actual Money. Your Committee therefore beg leave to recommend that an act be passed directing the Treasurer to receive from Persons specie, Audited Certificates, or any other Certificates which are receivable at this period for Confiscated property sold, in discharge of two-thirds amount of their said Bonds; all which is submitted.

JNO. JOHNSTON.

The House taking the foregoing report into consideration,

Resolved, That they do not concur therewith, but that the same be rejected.

Received from the House of Commons a Petition from Jonathan Phelps and others. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Received also, the Petition of John Devane. Endorsed, referred to the Committee of Claims; which being read was, on motion, rejected.

Received from the House of Commons a Memorial and Remonstrance of the Commissioners & Citizens of the Town of Wilmington. Endorsed, referred to Mr. Bloodworth, Mr. P. Hawkins, Mr. Rodes, Mr. Cabarrus & Mr. Franklin; which being read was, on motion, rejected.

Received likewise a Bill to divide the County of Davidson, and

A Bill to erect a District Court of Law & Equity at Fayetteville. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the former was, on motion, laid over till the next Assembly & the latter passed the first time & returned.

Mr. Macon moved for leave and presented a Bill empowering the several County Courts therein mentioned to lay a tax on all black polls, to defray the expence of Slaves hereafter executed; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Bill directing the Clerks of the several Courts of Record within this State as to their duty in office, with respect to issuing of writs. Endorsed, read the first time & sent to the House of Commons:

Ordered that this Bill be read, which being read was passed the first time & sent to the House of Commons:

Received also, a resignation of Thos. Hawkins, Esq., as a Justice of the Peace. Endorsed, read and accepted.

Also, the Petition of Alexander Smith and Baptist Clark. Endorsed, referred to the Committee of Claims; which being read the latter was rejected and the former accepted and returned.

Adjourned till To-morrow 10 O'clock.

TUESDAY, 27 November, 1787.

The House met.

Received from the House of Commons the following Bills:

A Bill for the better regulation of the Town of Fayetteville;

A Bill for the better regulation of the Inspection of Tobacco at the Town of Fayetteville and to prevent frauds;

A Bill to repeal the seventh section of an Act directing the method of Electing Members of the General Assembly;

Also, one other act Intituled "an Act for removing the public buildings of Mecklenburg County from Charlotte." Respectively endorsed, read the first time and passed.

Ordered that those Bills be read, which being read were severally passed the first time & sent to the House of Commons.

Mr. Johnston, from the Committee, delivered in the following report:

The Committee of Propositions and Grievances, to whom the Petition of William Queen of Randolph County, was referred, report, That it appears to your Committee a redress of the Grievances can only be had in a Court of Equity; they therefore are of opinion that it be rejected.

All which is submitted.

JNO. JOHNSTON, Chn.

The House taking this report into consideration, Resolved, That they do concur therewith.

Mr. Johnston, from the Committee, also delivered in the following report:

Your Committee of Propositions and Grievances, to whom the Memorial of the Inhabitants of the Town of Wilmington was referred report, That considering the peculiar situation of the Memorialist and the length of New Hanover County, beg leave to recommend that an act be passed for the purpose of dividing the regiment of Militia in said County into two Battalions, one of which shall hold their General Musters in the Town of Wilmington the other in the most convenient place to the Inhabitants of the upper or North Western end of the County. All which is submitted.

JNO. JOHNSTON, Chr.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons a Bill to repeal part of an act passed at New Bern in the year One thousand seven hundred & Eighty five, entitled "an Act for destroying wolves, panthers, bears, wild cats, crows, & squirrels in the several Counties therein mentioned;" and a Bill to enable the Executors of John Smith formerly Sheriff of Chowan, to collect the arrearages of Taxes due him from such persons as were inhabitants of said County for the years One thousand seven hundred & seventy-four, & one thousand seven hundred & seventy-five; also a Bill for levying a further tax in

the Several Counties in the District of Morgan to defray the remaining expences of Building a Court House, prison & stocks in said District. Respectively endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House & returned.

Mr. Johnston, from the Committee, delivered in the following report:

The Committee of Propositions and Grievances, to whom the Memorial of David Kerr late Commissioner of Specific supplies in the County of Rowan, was referred, report,

That the Memorialist while Commissioner as aforesaid, contracted for a certain quantity of Salt, payable in Tallow, for use of the State, and was induced by the immediate want of the salt & the lowness of the public credit to pass his Bond for the payment thereof as in a private character, which hath been recovered of him by warrant. Your Committee tho' well assured that the salt was applied to the use of the State, yet are of opinion by his failing to prove by sufficient Vouchers that he had not settled for the same in his account as Commissioner aforesaid with the Comptroller, that it be rejected. All which is submitted.

JNO. JOHNSTON, Ch.

The House taking the foregoing report into consideration,
Resolved, That they do concur therewith.

Mr. Johnston, from the Committee, also delivered the following report:

The Committee of Propositions and Grievances, to whom the Petition of Archibald Cain was referred, reports that the said Archibald became bound in a recognizance in the sum of fifty pds for the appearance of a certain Price Hays at Hillsboro Superior Court, to answer to some charge to have been exhibited against him. That previous to the period for Hays appearance it was reported he was shot & killed, which report not being sufficiently authentic to influence the Court, said Cain's recognizance became forfeited. Your Committee maturely considering the premises beg leave to recommend, that by a Resolve of your House the said Cain may have an indulgence until the next General Assembly to adduce such legal testimony of the death of the said Hays as may entitle him to a remis-

sion of the pains and penalties of said forfeiture. All which is submitted.

JOHN JOHNSTON, Chr.

The House taking this report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons a Petition of John Allen praying the emancipation of Betty Allen, & her child named Mary, accompanied by a Bill for the purpose. Endorsed, read the first time & passed; the former of which was rejected and the latter not admitted to a reading.

The House adjourned till to-morrow Morning 10 O'clock.

. WEDNESDAY, 28 November, 1787.

The House met.

Mr. Allen Jones presented the Memorial of John Justice, Esq., praying, &c. Whereupon resolved, That the Petition of John Justice, Esq., administrator of Colonel James Allen, deceased, which by the last Assembly of this State was laid over to this Assembly in order that the Petitioners might have a further opportunity of substantiating the allegations in said Petition, be referred to the Committee appointed to consider of Judge Ashe's Memorial.

Sent for concurrence.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added Mr. Hill to the Committee appd. on Judge Ashe's Memorial.

Mr. Kenan, from the Committee, delivered in the following report:

The Committee to whom was referred the Petition of John Bradley beg leave to report, That your Committee have attentively considered the facts therein set forth, notwithstanding we cannot but reprobate the impious and unchristian practice of duelling, yet such were the mitigating circumstances of this case that we think the unhappy offender a subject rather of compassion than public resentment.

It appears to your Committee that Mr. Bradley innocently and very unintentionally gave an offence to the deceased Mr. Swann who

from the time of the challenge first given to Mr. Bradley, tho' he made every acknowledgment consistent with truth and reconcilable to the feelings of a Man of honor, and every overture proposed to procure an accommodation, persisted with the most relentless implacability in insisting upon that satisfaction which ended in the tragical manner set forth in the Petition, the source of affliction to his family, and of the most anxious concern to Mr. Bradley, who so far from wishing such an event did, we are fully convinced, everything in his power to avoid the fatal conflict which led to it. We are extremely unwilling to hold forth an exemption from punishment to such persons as voluntarily engage in this wicked kind of contest and therefore at the same time that we recommend, as we do in the most pressing manner, Mr. Bradley to the Clemency of Government, we beg leave to declare it as our opinion that this proceeding shall not be drawn into precedent hereafter. Your Committee upon the whole are of opinion under the above restriction, that Mr. Bradley be recommended to the Governor as the Person who ought to be pardoned the homicide of what nature soever it be in construction of Law, committed in killing the said Samuel Swann, and that His Excellency be requested to grant a pardon accordingly.

JAMES KENAN,
WILL POLK,
JOS. RHODES,
JOSHUA POTTS,
JOS. MACON,
READING BLOUNT,
THOMAS OWEN,
WILLIAM GRAVE.

The House taking this report into consideration, Resolved, That we do concur therewith.

Received from the House of Commons the following Bills, to-wit:
A Bill for dividing the County of Surry;

A Bill to provide for the making of Slopes suitable for the free passage of Fish over all Dams of whatsoever kind erected across Deep River & Tar River;

A Bill for promoting the Navigation of Albemarle Sound; and

A Bill to remove all obstruction to the passage of Fish up Neuse River. Respectively endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

The Message herewith sent from His Excellency the Governor, of this Day's date together with the Letter, &c., therein referred to, we propose referring to the Committee on Finance.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Message from His Excellency the Governor, of the present date, together with its enclosures, be referred to the Committee of Finance.

Received from the House of Commons the Memorial of John Kingsbury. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Also the resignation of Nathaniel Steed, Esq., Justice of the Peace for the County of Randolph. Endorsed, accepted; which was read, accepted of by this House & returned.

Received also, the Petition of Benjamin Wilson & Zephaniah Burges. Endorsed, read and referred as by the Senate.

Received likewise the following Bills:

A Bill to prevent Horse Stealing by imposing a fine on those who shall privately deal with persons of suspicious characters in the Counties herein mentioned.

A Bill to enable the Wardens of the Poor of the County of Halifax to levy a tax on the Inhabitants of the said County to discharge the debts due in the year 1776 to the reverend Thomas Burges, now deceased, for Ministerial services performed in the Parish of and for allowances made in lieu of a Glebe.

A Bill to add the County of Moore to Hillsborough District.

A Bill to prevent Thefts and Robberies by Slaves, Free Negroes & Mulattoes.

A Bill to empower the Wardens of the Poor for the County of Cas-

well to purchase Lands & Build a House for the reception of the Poor in the County aforesaid.

A Bill for altering the place of holding Courts in the County of Randolph, for erecting public Buildings thereon & for appointing Commissioners. Respectively endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House & returned, except the Bill to add the County of Moore to the District of Hillsborough, which was rejected.

Mr. Allen Jones moved for leave and presented a Bill to amend an act for restraint of vagrants and preventing desertion, which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have added Mr. Spaight to the Committee on Finance and the Committee appointed to report such Bills of a public nature as are necessary to be passed into Laws this Session.

Received also, a Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a tax to defray the Expence thereof & to change the name of Newton in said County to that of Wadesborough; and a Bill to prevent abuses in taking up stray Horses, Cattle, Hogs & Sheep & other things therein mentioned. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were passed the first time in the House and returned.

Received likewise a Bill for staying execution for debt in the County of Davidson; and a Bill for altering the name of Jesse Hay to that of Jesse Spaight, the names of Robert Portress & Benjamin Clevers Portress to Robert Ransome & Benjamin Clevers Ransome, and of William Bonner to that of William Hunt; also the name of William Barret to that of William Ashley. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were passed the first time in this House & returned.

Mr. Macon moved for leave and presented a Bill to extend an act passed at New Bern the Twenty ninth day of Dec. 1785, intituled "an Act to Impower the County Wardens of the Poor for the Counties therein mentioned to build Houses in their respective Counties

for the reception of the Poor & other purposes," to the Counties of Warren, Caswell & Pasquotank, which was read the first time & sent to the House of Commons.

Received from the House of Commons the report of the Committee on the Petition of William Queen, the report of the Committee on the Memorial of the Inhabitants of the Town of Wilmington, and the report of the Committee on the Memorial of David Kerr. Respectively endorsed, read and concurred with.

Mr. Willis presented the Petition of John Coplain of Robinson County; which was read and on motion, ordered to lie on the Table.

Received from the House of Commons the following Bills, vizt:

A Bill for establishing two places in the County of New Hanover for the purpose of holding General Musters therein; for dividing the Militia of said County into two Districts suitable & convenient for the inhabitants to attend Musters at the respective places, and for appointing the place for holding Courts Martial in said County.

A Bill to encourage the draining a tract of Land in Tyrrell County, and

A Bill appointing Commissioners to repair the Court House, Prison and Stocks in the Town of Hillsborough for the District of Hillsborough and to levy a tax on the Inhabitants thereof for the benefit, use and reparation of the streets of the Town aforesaid. Respectively, endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

This House have appointed Mr. Speight, Mr. Bloodworth, Mr. Mebane, Mr. Hawkins & Mr. Cabarrus, to act jointly with the Gentlemen appointed by the Senate for purpose of preparing & bringing in a Bill relative to claims against the State which remain yet unliquidated.

Received likewise the Report of the Committee on the Petition of Archibald Cain and the resolution of this House in consequence of the Petition of John Justice. Each endorsed, read & concurred with.

Mr. Owen presented the Memorial of Elizabeth Lucas late of Bladen County, which being read was rejected.

Received from the House of Commons the Petition of Thomas Wright Sheriff of New Hanover County. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Also a Petition from the Inhabitants of New Garden Settlement Endorsed, ordered to be sent to the Senate; which being read was on motion, rejected.

Received also the Petition of Daniel Colbreath. Endorsed, referred as by the Senate.

Adjourned till 10 o'clock A. M.

TUESDAY, 29th November, 1787.

The House met according to adjournment.

Mr. Allen Jones, who had leave to withdraw for amendmnet the Bill authorizing and requiring County Courts of Pleas and Quarter Sessions to divide and appropriate the real Estate of Intestates, where one or more of the claimants are under age, which was read with the amendments, passed the third time in this House and sent to the House of Commons.

Mr. Macon presented the Claim of Aaron Fussil, which was read, referred to the Committee of Claims and sent to the House of Commons.

Mr. Allen Jones moved for leave and presented a Bill for cutting a Navigable Canal from the Waters of Pasquotank river in this State, to the Waters of Elizabeth River in the State of Virginia; which was read, passed the first time & sent to the House of Commons.

Mr. Johnston, from the Committee, delivered the following report:

The Committee of Propositions and Grievances, to whom the Petition of William Parham was referred, report:

That the said William became bound in recognizance in the sum of two Hundred pounds for his appearance at Halifax Superior Court of Law & Equity, to answer for a trespass committed in aiding his father to take into his possession a Negro Slave which he believed his said father had an indubitable right to; that from a compromise of the parties as well as the advice of his friends, and his total ignorance of Law matters, he was induced not to appear agreeable to the recognizance which became forfeited.

Your Committee on considering the premises are of opinion that the said William Parham be relieved from the forfeiture aforesaid and therefore beg leave to recommend that a Resolve be passed to that effect.

All which is submitted.

JNO. JOHNSTON, Chn.

The House taking this report into consideration, Resolved, That they do not concur therewith, but that the same be rejected.

Resolved, That the General Assembly will make an adequate allowance for the services of such Persons as the public Treasurer may employ as his Clerk during the present Session.

Sent for Concurrence.

Mr. Miller presented the Petition of William Price of Rutherford County praying to be released from the forfeiture of a recognizance by him forfeited, which was read and on motion, rejected.

Mr. Allen Jones also moved for leave and presented a Bill for fixing the final settlement of unliquidated Claims against the State, and against the United States within this State; which was read, passed the first time & sent to the House of Commons.

Mr. Lenoir moved for leave and presented a Bill to enable William Nall, Sheriff of Wilkes County, to collect all the Taxes due from said County for the years 1785 & 1786 and to allow him a further time to settle for his collection with the Treasurer; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the resignation of David Jones, Senr., and John Devane, Esquires, as Justices of the Peace for the County of Johnston. Endorsed read and accepted; which was read, accepted and returned.

Also the Claim of Aaron Fussel. Endorsed, read and referred to the Senate.

Mr. Allen moved for leave and presented a Bill to amend and continue an Act, intituled "an Act to authorize the late Commissioners of Specific Supplies for the several Counties therein mentioned to collect the Arrearages of the Specific Taxes yet due from the Inhabitants thereof;" which was read, passed the first time in this House and sent to the House of Commons.

Mr. McCawley moved for leave and presented a Bill directing the Courts of Pleas and Quarter Sessions of Pasquotank County to be

held at Winfield, on Pasquotank river and for Establishing a Town on the land of Thomas Relf at Winfield in said County; which was read, passed the first time and sent to the House of Commons.

Mr. John Williams moved for leave and presented a Bill for annexing part of the County of Dobbs to Pitt County; which was read, passed the first time & sent to the House of Commons.

Mr. Abram Jones moved for leave and presented a Bill to establish a port at the town of Woodstock in the County of Hyde, on Pungo River; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Petition of Rhyam Rading. Endorsed, referred as by the Senate.

Received also a Bill for the accommodation of Post Riders. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Mr. Willis moved for leave and presented a Bill to emancipate Joseph, a Mulatto Slave, the property of the Estate of Agerton Willis late of Bladen, deceased; to confirm the said Joseph in the name of Joseph Willis, and to invest certain property herein referred to, in the said Joseph by the name of Joseph Willis; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Bill to encourage the making of Salt in Davidson county. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time & returned.

Mr. Macon moved for leave and presented a Bill to amend an Act entitled "an Act to keep open Roanoke River for the passage of Fish up the same & other purposes therein mentioned;" which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Petition of John Brevard. Endorsed, referred to Mr. Gaston, Mr. Steele & Mr. Brown; which being read, was referred on the part of this House to Mr. McDowall, Mr. Irwin & Mr. Crawford and returned.

Mr. Macon presented the representation & remonstrance of the Members of Moore County against Phillip Alston, a Justice of the Peace for said County; which was read, referred to the Committee

appointed on Judge Ashes Memorial, & sent to the House of Commons for their concurrence on such reference.

Received from the House of Commons a Petition in behalf of English Early and Company. Endorsed, referred on the part of this House to Mr. Withrow, Mr. McDowall, Mr. Singleton, Mr. Goudy & Mr. Steele; which being read, was referred on the part of the Senate to Mr. Overton, Mr. McDowall and Mr. Miller.

Received also, a Specie Certificate in favour of James Davis. Endorsed, referred to Mr. McDowall, Mr. Bloodworth and Mr. W. Hawkins; which being read was, on the part of the Senate, referred to Mr. Martin, Mr. Irwin & Mr. Abram Jones.

Received likewise a Bill for altering the times for holding the County Courts of Edgecombe, Halifax & Pitt. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time & sent to the House of Commons.

Mr. Crawford moved for leave and presented a Bill to require and direct the Treasurer to receive the Certificates therein Mentioned for two-thirds of the Debts due by Bonds now filed in his office for Confiscated property heretofore sold; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Bill to declare and explain the true meaning of the several Acts of Assembly heretofore passed, for giving further time to Surveyors within the different Counties to make their Surveys & return plotts thereof to the Secretary's office; and more especially of an Act passed at New Bern in the year 1785, intituled "an Act to amend an Act for opening the Land office and other purposes, and to give further time for the registration of Deeds and Grants therein described." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read, was passed the first time in this House and returned.

Received also a Bill impowering the Court of Pitt County to establish a Free Ferry over Tar River at the Town of Greenville and to levy a tax on the Inhabitants of said County for that purpose. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Mr. Sheppard moved for leave and presented a Bill for adding part of Craven County to Dobbs County; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to repeal such Laws as militate against the Treaty of Peace with the King of Great Britain. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received also the Petition of Matthew McClure. Endorsed, read and referred on the part of this House to Mr. Polk, Mr. Blount, Mr. Goudy & Mr. McDowall; which being read was, on motion, rejected.

Received likewise a Bill for Establishing a Town on the river Scuppernon in the County of Tyrrell. Endorsed, read the first time & passed.

Also a Bill to amend an act passed at Fayetteville, entitled "an Act to amend an Act Entitled an Act for regulating the Town of Windsor in Bertie County." Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read each were rejected.

Received likewise a Bill to restore Hugh Ross of Anson County, to his Land. Endorsed, read the first time and passed.

And a Bill to extend an Act of the General Assembly held at New Bern in the year 1785, concerning Warden of the Poor to the County of Hertford. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the first time in this House & returned, & the latter ordered to lie on the Table.

Mr. Bledsoe moved for leave and presented a Bill to affect the cutting & clearing a Road from the lower end of Clinch Mountain to the Cumberland settlements, and for preserving peace and granting safety to the Inhabitants thereof; which was read the first time in this House and sent to the House of Commons.

Received from the House of Commons a Resoution of that Body directing the Treasurer as to the mode of paying Certificates granted to Members of the Assembly for their attendance, in depreciated Currency; which was read, concurred with & returned.

Also the Resolution of this House allowing the public Treasurer a Clerk during the present Assembly. Endorsed, concurred with.

Mr. Sheppard moved for leave and presented a Bill for dividing the Counties of Dobbs, Edgecombe and Wayne and erecting a County by the name of —————; which was read & rejected.

Received from the House of Commons a Bill to repeal an act intituled “an Act for removing the public Buildings of Mecklenburgh County from Charlotte to the center of said County.” Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Mr. Irwin moved for leave and presented a Bill to amend an act Intituled “an Act to encourage the building of public Mills and directing the duty of the Millers,” passed at New Bern in 1777; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill for reversing and collecting the Acts of the General Assembly of the State of North Carolina. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received also a Bill to amend an Act Intituled “an Act to pardon and consign to oblivion the offences and misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins.” Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Mr. Miller moved for leave to bring in a Bill to erect and Establish a Town in Rutherford County on the 30 Acres of Land already procured by the Comrs. for the purpose of building a Court House, Prison and Stocks for the said County.

Ordered that he have leave accordingly.

Mr. Person also moved for leave to bring in a Bill for Establishing a Town in Granville County on the Lands of Solomon Walker at a place known by the name of Oxford.

Ordered that he have leave accordingly.

Mr. Hill moved for leave and presented a Bill to prevent the building of such Houses as may be considered as nuisances, and to re-

move those already built within the several Towns in this tate; which being read, was ordered to lie on the Table.

Adjourned till To-morrow Morning 10 O'Clock.

FRIDAY, 30 November, 1787.

The House met according to adjournment.

Received from the House of Commons the remonstrance and representation of the Members of Moore County against Philip Alston. Endorsed, read and referred as by the Senate.

Mr. Kenan, who had leave to bring in a Bill to appoint a Trustee in the room of James Sampson, Esquire, deceased, who together with others was appointed a Trustee for the purposes therein mentioned by an Act passed at Fayetteville 1787, intituled "an Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children," delivered in the same; which was read, passed the first time & sent to the House of Commons.

Mr. Skinner presented the Petition of Thomas Talbot of Washington County; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons the Petition of James Fletcher. Endorsed, referred to the Committee of Claims; which being read was, on motion, referred to the consideration of next Assembly.

Received from the House of Commons a Bill to prevent frauds by the depreciation of paper Currency. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was, on motion, rejected.

Whereupon, on motion of Mr. Battle, seconded by Mr. Bacon, ordered that the Yeas and Nays be taken on this Bill, which are as follows, vizt:

For the passage of the Bill—Mr. Mayo, Mr. Battle, Mr. Griffin, Mr. Jno. Williams, Mr. Lane, Mr. Allen Jones, Mr. Skinner, Mr. Warrington, Mr. Coor, Mr. Johnston, Mr. Jordan, Mr. Clinton, Mr. Macon, Mr. Long, Mr. Easton and Mr. Martin—16.

Against the passage of this Bill—Mr. Abram Jones, Mr. Shepard, Mr. Ramsay, Mr. Hill, Mr. Boon, Mr. Mooring, Mr. McCauley, Mr. H. Williams, Mr. Moore, Mr. Gregory, Mr. Lenoir, Mr. Bledsoe, Mr. Winston, Mr. Berger, Mr. Person, Mr. Kenan, Mr. Mc-

Allister, Mr. Irwin, Mr. Robinson, Mr. Hendley, Mr. Relf, Mr. Owen, Mr. Reddick, Mr. Willis, Mr. Miller, Mr. Crawford and Mr. Overton.—27.

Received from the House of Commons the Bill to amend an Act for restraint of Vagrants and preventing desertion. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was, on motion, rejected.

Received also a resolution depriving those members who absent themselves from the services of the Houses on private business, from receiving pay during the time of such absence.

The House taking the foregoing into consideration ordered that the following Message be sent to the House of Commons.

Mr. Speaker & Gentlemen:

We approve of the resolution of your House relative to the manner of paying Members who absent themselves from the services of the Houses, and to propose as an amendment thereto, that the Words *after the day appd. for its meeting* be inserted after the word business.

Received from the House of Commons the Bill to prevent the further Importation of Slaves. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read was amended, passed the third time in this House & returned.

Mr. Lenoir, from the Committee, delivered in the following report:

The Committee to whom the Petition of the Field officers of Davidson County was referred, report:

That from the peculiar and dangerous situation of the Inhabitants of Davidson County by the frequent attack of the Indians, the Field officers in the Council adjudged twelve men necessary to be employed as Spies in the Country for three months, and became severally bound and responsible in Bonds for the payment of Eight Shillings per day to each of them that should be in service, as will fully appear, recourse being had to the paper herewith presented marked No. 1. That from the Papers marked Nos. 2 & 3, and severally sworn to and corroborated by the Oath of Mr. Sanders, it appears the service was actually performed, or so much thereof as

amounted to the sum of Two Hundred and fifty-six pounds, which the Field Officers from the Tenor of their bargain have paid in part as will plainly appear, recourse being had again to the Paper marked No. 1. Your Committee further report, that the Field officers by the advice of many of the Inhabitants, and their hope of averting the Hostile intentions of the Indians for a while or until some more permanent security & protection could be obtained, engaged a certain John Taylor as an Express to the Creek Nation of Indians, who actually performed the services by delivering their Talks and returning with answers, also as an Express to the Cherokees, which to your Committee appeared by the Oaths of Colls. Bledsoe and Robinson, and the account herewith presented marked No. 2, and became bound as in the former instance in the sum of one hundred and twenty pounds for the service aforesaid which they have *bona fide* paid.

Your Committee therefore, taking these facts into consideration, are of opinion that in Justice and Equity the said officers, to-wit: Anthony Bledsoe, James Robinson, Isaac Bledsoe & Samuel Barton ought to be paid out of the Treasury the aforesaid sums of Money, amounting to three Hundred and Seventy Six pounds, and recommend a Resolve to be passed to that effect.

WM. LENOIR, Chn.

The House taking the foregoing report into consideration Resolved, That they do concur therewith.

Received from the House of Commons the following Bills, to-wit:

A Bill to prevent the obstructing of Fish from running up the Streams & Water courses in Bertie County & to clear the Navigation thereof;

A Bill to amend an Act intitl'd "an Act directing the Method of electing Members for the General Assembly and other purposes," passed at _____ the _____ day of _____ 1777;

A Bill to establish and regulate the Toll Fees of the different Bridges on lower Little river in Cumberland County and repairing the roads leading to the Fords on said river;

A Bill to prevent litigious Suits;

A Bill to regulate the proceedings in the Division of Counties hereafter; and

A Bill to improve the Navigation of the North East branch of

Cape Fear river, the North East Swamp & Goshen Swamp in Duplin County. Respectively endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

The Bill to Establish and regulate the Toll Fees of the different Bridges on lower Little River, and the Bill to amend an Act Intituled an act directing the method of Electing Members of the General Assembly excepted, which were rejected.

Received also, a Bill for extending the dividing Line between the Counties of Wayne and Johnston, and a Bill for annexing part of the County of Dobbs to Pitt County. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the former was laid over until the next Assembly and the latter rejected.

Received likewise the Petition of Fanny McNeil and the Memo. of James Green Lee. The former endorsed, referred to the Committee of Propositions and Grievances, & the latter to the Committee appd. on John Brevard's Petition; which was read, referred in like manner and returned.

Received likewise the Petition of Wm. Caps. Endorsed, referred on the part of this House to Mr. Nixon, Mr. Sanders & Mr. Devane. And the Petition of Spiers Singleton. Endorsed, referred to Mr. Spaight, Mr. Bloodworth, Mr. Phiifer & Mr. Goudy, on the part of this House; which being read, the former was referred on the part of the Senate, to Mr. Crawford, Mr. McAllister & Mr. Warrington, and the later to Mr. Person, Mr. Coor & Mr. Henly & returned.

Received likewise the Memorial of James Thackston. Endorsed, referred to the Committee of Propositions and Grievances; which being read in this House was, on motion, rejected.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

This House have agreed to the amendment proposed by your House to the resolve declaring the members shall not receive pay for any time they may be absent from the service of the General Assembly, and have made the resolve conformable thereto, and now send it for concurrence.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We propose that a joint Committee of Members from both Houses be appointed to receive from the Public Treasurer and burn all Members Certificates for attendance on the General Assembly, old dollar Bills and such of the Currency of the two last emissions now in his possession as is unfit by means of its raggedness for any further circulation, who shall make report of the amount thereof to this Assembly. We further propose that this Committee be authorized to receive from the Treasurer all Warrants issued by the Governor of the State, and punch them thro' the middle with a circular punch of at least three quarters of an inch in diameter, and that they also make report of their proceedings herein to this Assembly. We have for this purpose on our part, appointed Mr. Polk, Mr. Mebane, Mr. Cabarrus, Mr. Dickens, Mr. Phifer, Mr. Horn & Mr. Dickson.

The House taking the foregoing into consideration,

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to your proposition relative to the appointment of a Committee to receive from the public Treasurer certificates, &c., and to cause that the same be punched thro'. We have appointed for this purpose on our part, Mr. Hill, Mr. Macon, Mr. Skinner & Mr. Irwin, who will act jointly with the Gentlemen by you named.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the Petition of Thomas Talbot be referred to the Committee appointed on the Petition of John Brevard, instead of the Committee of Propositions & Grievances.

In answer to which, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Petition of Thomas Talbot be referred to the Committee appointed on the Petition of John Brevard, as by you proposed.

Received from the House of Commons the Bill to ascertain the true courses of a tract of Land on Neuse river in Craven County. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was amended, passed the third and last time in this House, and returned.

Received also a Bill to impower the Administrators of Samuel Swann, late of New Hanover County, Esquire, deceased, to sell and dispose of part of the real Estate of the said Samuel for the payment of his Debts, in order to make the better provision for his Family; and also to make conveyances for such part of the real Estate as was sold by the said Samuel in his life time. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise a Bill appointing Commissioners to repair the Court House, prison and Stocks in the Town of Hillsborough, and to levy a Tax on the Inhabitants thereof for the benefit, use and reparation of the Streets of the Town aforesaid. Endorsed, read the second time, amended and passed.

Also the Bill to charge the Estate of Honore Giraud late of the town of Halifax, deceased, with the payment of all his just debts, and to prefer the same to the Title acquired by this State in the property which was of the Giraud in consequence of his self murder. Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the former was passed the second time, and the latter the third time in this House and returned.

Mr. Coor moved for leave and presented a Bill to repeal the fourth section or Clause of an act passed at New Bern in the year 1784, entitled "an Act to amend and supply the deficiencies of an act passed last Assembly at Hillsborough intituled an act to regulate the descent of real Estates, to do away Entails, to make provisions for Widows, and to prevent frauds in the execution of last Wills and Testaments, and for directing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, Authenticated & perpetuated;" which was passed the first time & sent to the House of Commons.

Received from the House of Commons the following Bills:

A Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a Tax to defray the expence thereof and to change the name of New Town in said County to that of Wadesborough; and a Bill for altering the times for holding the

County Courts of Edgecombe, Halifax & Pitt; also a Bill to repeal part of an Act passed at New Bern in the Year One thousand Seven hundred and eighty five entitled "an Act for destroying Wolves, Panthers, Bears, Wild Cats, Crows & Squirrels in the several Counties therein mentioned;" and likewise the Bill for the accomodation of Post Riders. Respectively endorsed, read the second time & passed.

Ordered that these Bills be read, which being read, were severally passed the second time in this House & returned.

Received also the following Bills:

The Bill to encourage the making of Salt in Davidson County; the Bill to Establish a port at the Town of Woodstock in the County of Hyde, on Pungo River; also a Bill for establishing two places in the County of New Hanover for the purpose of holding General Musters therein, for dividing the Militia of said County into two Districts suitable & convenient for the Inhabitants to attend musters at the respective places and for appointing the places of holding Courts martial in said County; and likewise the Bill to Enable William Nall Sheriff of Wilkes County, to collect all the Taxes due from the said County for the year 1785 and the year 1786, and to allow him a further time to settle for his Collections with the Treasurer. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were severally passed the second time in this House & returned.

Mr. Mitchell the member for the County of Onslow, appeared, presented his Certificate, was qualified agreeably to Law and took his seat.

Received from the House of Commons the Bill for Establishing a Town in the County of Hye on the Land of Joseph Gibbs. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

Adjourned till to-morrow Morning half after nine O'clock.

SATURDAY, 1 December, 1787.

The House met according to adjournment.

Mr. Allen Jones, who had leave to withdraw for amendment the

Bill for fixing the final settlement of unliquidated Claims against this State and against the United States, delivered in the same; which was read, with the amendments, the second time in this House and sent to the House of Commons.

Mr. James Gallaway the Member for the County of Rockingham, appeared, presented his Certificate, was qualified agreeably to Law & took his seat.

Mr. Battle moved for leave and presented a Bill to restrain the fraudulent depreciation of Paper Currency of this State; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Bill for electing Wardens of the Poor. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time in this House, with the amendments, & sent to the House of Commons.

Received also the Bill to extend an Act passed at New Bern the 29th day of December 1785, intituled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned, to build Houses in the respective counties for the reception of the poor and other purposes," to the several Counties therein mentioned. Endorsed, read the first time & passed.

And the Bill empowering the several County Courts herein mentioned to levy a tax on all black polls, to defray the expence of Slaves hereafter executed. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was amended, passed the second time and returned; & the latter, on motion, rejected.

Mr. Allen Jones moved for leave and presented a Bill to ascertain the Sheriffs fees within this State; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to amend & continue an act Intituled "an Act to authorize the late Commissioners of Specific Supplies for the several Counties therein mentioned, to collect the Arrearages of Specific Taxes as yet due from the Inhabitants thereof." Endorsed, read the first time & passed.

Also the Bill to repeal part of an Act passed at Fayetteville, 1786, Intituled "an Act to empower the several County Courts therein mentioned to lay a tax annually, not exceeding three years, for the

purpose of erecting or repairing the Court House, prison & stocks in each County when necessary, and for defraying the Contingent charges of the Counties." Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the former was, on Motion, rejected, and the latter passed the second time & returned.

Received also, the Bill to remove all the obstruction to the passage of Fish up the Neuse river. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read was passed the second time & returned.

On motion, ordered that Mr. Hill and Mr. Gallaway have leave to withdraw for amendment the Bill to prevent abuses in taking up stray Horses, Cattle, Hogs & Sheep.

Received from the House of Commons the Bill to amend an act intituled "an Act to keep open Roanoke river for the passage of Fish up the same, and other purposes therein mentioned." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was amended, passed the second time and returned.

Received, also the Bill to prevent Horse Stealing by imposing a certain fine therein mentioned. Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read it was, on motion, ordered that Mr. Overton have leave to withdraw it for an amendment.

Received likewise the Bill to provide for the making of Gaps or Slopes suitable for the free passage of Fish over all Dams of whatsoever kind, erected across Deep River & Tar River, the South fork of Catawba River, the first, second and third Broad rivers, and the Rocky River of Pedee as far as Whitesford. Endorsed, read the second time, amended and passed.

And a Bill to repeal an act passed at Fayetteville the 19th day of November 1786, Intituled "an Act for raising Troops for the protection of the Inhabitants of Davidson County. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the second, and the latter the first time and returned.

On motion, Ordered that Mr. Irwin have leave to withdraw for amendment the Bill to amend an act intituled "an Act to encourage the buildig of Public Mills, and directing the duty of Millers," passed at New Bern, 1777.

Received from the House of Commons the Bill to appoint a Trustee in the room of James Sampson, Esquire, deceased, who together with others was appointed a Trustee for the purposes therein mentioned, by an act passed at Fayetteville, 1787, intituled "an Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children." Endorsed, read the first time & passed.

And the Bill to prevent Thefts and Robberies by Slaves, Free Negroes & Mulattoes. Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the former was passed the second time & the latter the first time in this House & returned.

Received also, the Bill to encourage the draining a Tract of Land in Tyrrell County. Endorsed, read the second time, amended and passed.

And an additional Bill to impower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out the public roads, and to Establish and settle Ferries, and to appoint where Bridges shall be built and to clear inland rivers and Creeks. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the second, and the latter the first time & returned.

Received likewise the Bill to prevent Litigious Suits. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read it was, on motion, Ordered that Mr. Irwin have leave to withdraw it for amendment.

Adjourned till 4 O'clock P. M.

The House met according to adjournment.

Received from the House of Commons the Petition of Young McLemore and James Ransome. Endorsed, read and referred on the part of this House to Mr. Hawkins, Mr. Mebane and Mr. Phifer; which being read was, on motion, rejected.

Received also, the Bill empowering the Court of Pitt County to establish a free Ferry over Tar River at the Town of

Greenville, and to levy a Tax on the Inhabitants of said County for that purpose. Endorsed, read the second time and passed.

And the Bill to prevent the obstructing Fish from running up the Streams and Water Courses in Bertie County and to clear the Navigation thereof. Endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each was passed the second time in this House and returned.

Received likewise the Bill for altering the name of Jesse Hay to that of Jesse Spaight, the names of Robert Porthress and Benjamin Clevers Porthress to Robert Ransome and Benjamin Clevers Ransome, and of William Bonner to that of William Hunt, and also the name of William Barrett to that of William Ashley. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read it was, on motion, ordered that Mr. Hill have leave to withdraw his Bill for amendment.

Mr. Johnston, from the Committee, delivered in the following reports, to-wit:

Your Committee of Propositions and Grievances to whom the Petition of Jonathan Phelps, John Davenport and Isaac Davenport, in copartnership, entered a certain Tract of Land in _____ County and obtained a Grant for the same which was laid before your Committee, since which the Commissioner of Confiscated Property in the District of Edenton have exposed and sold the same as subject to the Confiscation Laws.

Your Committee under these circumstances conceive the petitioners redress lies only in a Court of record, wherefore are of opinion that it be rejected.

JOHN JOHNSTON, Ch.

Your Committee of Propositions and Grievances, to whom the Petition of John Beck was referred, report,

That on the 13th of March last the said John Beck, Entry officer for Claims for Lands in the County of Wayne, lost his Dwelling House by Fire and therein Seven Hundred Pounds in Certificates which he had received for Entries by virtue of his said office, together with one of the Books of Office.

Your Committee, by an affidavit of the said Beck, being convinced that the greater part were dated in the years 1781 and 1782, and

none in the year 1785, are of opinion that he be allowed the principal, Seven hundred pounds and three years interest thereon, in his Settlement with the Treasurer as Entry Officer aforesaid, and that the Treasurer by a Resolve be directed accordingly.

JOHN JOHNSTON, Chn.

Your Committee, to whom the Petition of Rhyam Rading was referred, report,

That in the year 1781 the said Rhyam found in the rear of the British Army commanded by Lord Cornwallis a Negro fellow very much burnt and otherwise disabled, that from an impulse of Compassion he was induced to take the said Negro into possession, and by a Great Trouble, Expence & Twelve Months attendance effected his cure; soon after which the Sheriff of Bladen County, agreeably to an act of the General Assembly, took the Slave into his possession & hired him out for the use of the State for thirty pounds and upwards per year.

Your Committee taking these facts into consideration are of opinion that the said Rhyam be allowed the sum of thirty pounds for his said trouble & expence, and that the Sheriff of Bladen pay the same out of the Monies arising from the hire of said Slave and be allowed in the Settlement of his public accounts for the same.

JOHN JOHNSTON, Chr.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Bill for the better regulation of the Town of Fayetteville. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Mr. McDowall, from the Committee, delivered in the following report:

Your Committee to whom was referred the Petition of James English, Early and Company, report,

That on examining the said Petition and minutely enquiring into the facts therein set forth, find them well supported.

They are therefore of opinion that the building of Iron and Steel Works in that part of the Country will be of great utility, and being

desirous of encouraging Industry beg leave to recommend to the General Assembly to pass a Law to confirm the Order of Court in favour of said Petitioners, also to grant them two Thousand Acres of Vacant Land which lie contiguous to the Lands of the said James English, Jeremiah Early and Co., in order that they may be better enabled to carry into effect their laudable intentions.

All which is submitted.

CHAS. McDOWALL, Chr.

The House taking the foregoing into consideration,

Resolved, That David Miller, Esq., Entry Taker of Lands in the County of Rutherford, be and he is hereby directed & required on application of James English, Jeremiah Early & Co., owners of Iron Works in said County, to issue a Warrant or Warrants directed to the surveyor thereof for Two Thousand Acres of vacant, unappropriated Land which may be found most convenient to the said Iron Works, and he is hereby commanded to lay off and survey the same, and return thereof make to the Secretary's office as is usual; the said company paying to the said officers all fees accruing for their services on the progress of the business to its final completion.

Sent for concurrence.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added General Jones to the Committee appd. on Judge Ashe's Memorial, and Mr. Gallaway to the Committee of Finance & Public Bills.

Adjourned till Monday morning 10 o'clock.

MONDAY, 3 December, 1787.

The House met according to adjournment.

Mr. Willis moved for leave and presented a Bill to explain the seventh section of an Act passed at Fayetteville in January, 1786, Intituled "an Act to amend an Act passed at New Bern, December, 1785, for increasing the Jurisdiction of Courts of Pleas and Quarter Sessions and of Justices of the Peace out of Court, and to direct the time of holding Courts in this State;" which was read the first time, passed and sent to the House of Commons.

Mr. Hill, who had leave to bring in a Bill for impowering Commissioners to sell the palace and public lots within the Town of New Bern in mannner therein mentioned, introduced the same, which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to repeal part of an Act passed at New Bern in the year 1785, Intitled "an Act for destroying Wolves, Wild Cats, Crows and Squirrels in the several Counties therein mentioned." Endorsed, read the third time and passed.

And the Bill appointing Commissioners to repair the Court House, prison and Stocks in the Town of Hillsborough for the District of Hillsborough, and to levy a tax on the Inhabitants thereof for the benefit, use and reparation of the Streets of the Town aforesaid. Endorsed, read the third time and passed.

Ordered that these Bills be read, which being read were passed the third time in this House & ordered to be Engrossed.

Mr. Frederick Hargett the Member for the County of Jones, and Mr. Daniel Keneda the Member for the County of Greene, appeared, produced their Certificates, qualified agreeably to Law and took their seats.

Mr. Coor, who had leave to withdraw for amendment the Bill to emancipate certain persons therein mentioned, delivered in the same; which was read with the amendments, passed the second time in this House and sent to the House of Commons.

Mr. Allen Jones presented the Memorial of Francis Child, Esquire, which was read & referred to the Com. on Finance & sent to the House of Commons for their concurrence to such reference.

Received from the House of Commons a Memorial of Caleb Mason. Endorsed, referred on the part of the House of Commons to Mr. Bloodworth, Mr. Fuller, Mr. Harvey & Mr. W. Hawkins; which being read was on the part of the Senate, referred to Mr. Hill, Mr. Easton, Mr. Gallaway, Mr. Hargett & Mr. Ab. Jones and returned.

The Speaker laid before the House a letter from Allen Jones, Esquire, addressed to the General Assembly signifying his resignation of the appointment of Brigadier General for the District of Halifax, which was read and accepted.

Received from the House of Commons the Bill for promoting the

Navigation of Albemarle Sound. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read was passed the second time and returned.

Mr. Irwin, from the Committee, delivered in the following report:

The Committee to whom was referred the Memorial of James Green Lee, heretofore Sheriff of Burke County, report,

That Mr. Green Lee was Sheriff of Burke County for the years 1780 & 1781, and as such received at a time subsequent to those years the public taxes, to-wit: in the year 1784, which was occasioned as well by the confusion of the times as the Neglect of the Clerks to furnish Lists. Mr. Green Lee remains still possessed of the Monies arising from the Taxes of the said Years which he tendered to John Brown, Esqr., then District Treasurer, & which Mr. Brown refused from a belief Mr. Green Lee was bound to make good the Depreciation, which however is not by any means the opinion of your Committee. Mr. Green Lee also acted as Sheriff of Burke County for the years 1782 & 1783, for the Taxes for which years he still has to account, but it does not appear to your Committee that he has remained thus in arrear voluntarily; the several circumstances which have tended to retard Mr. Green Lee's settlement with the public being tedious the Committee think it unnecessary to trouble the General Assembly with a recapitulation of them. They do therefore, upon the whole, recommend that the Treasurer be directed to settle Mr. James Green Lee's account as Sheriff of Burke County for the years 1780 & 1781 and receive from him the old Dollar Bills in discharge of the same at their nominal value; that he be directed to settle the said Green Lee's account as Sheriff for the year 1782 & 1783 by and agreeable to such return as Mr. Green Lee shall appear to have collected the Taxes for those years by.

Your Committee have become fully possessed of the facts relative to Mr. Green Lee's situation in regard to these his public arrearages, and from a conviction of the Justice of the Measure they have been led to submit to the two Houses the foregoing recommendations.

ROBERT IRWIN, Chr.

The House taking this report into consideration, Resolved, That they do not concur therewith but that the same be rejected.

Mr. Irwin, from the Committee, delivered in also, the following report:

The Committee to whom the Memorial of John Brevard, Esquire, Sheriff of Rowan County, was referred, report:

That the said Brevard as Sheriff aforesaid, made collection of the Taxes for the year 1782, but from a train of circumstances merely accidental, and on the part of the then District Treasurer the said Brevard hath not been able to effect a settlement for the same, altho' he repeatedly applied to Mr. Lock, successor in office to the said Treasurer, and the late Treasurer for the State.

Under these circumstances your Committee are of opinion that the Treasurer be directed to settle with the said Brevard and receive in discharge of said Tax such Certificates and Vouchers of payments as were receivable and warranted by the Law of 1782 and a Resolve of the year 1783.

All which is submitted.

ROBERT IRWIN, Chr.

The House taking this report into consideration, Resolved, That they do not concur therewith but that the same be rejected.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have appointed Mr. Macon and Mr. Skinner who, together with such Gentlemen of the House of Commons as may be made choice of, will examine the Engrossed Bills.

Received from the House of Commons the report of the Committee on the Petition of Jonathan Phelps, the report on the Petition of John Beck, and the report of the Committee on the Petition of Reham Rading. Respectively endorsed, read and concurred with.

Received also, a Resolution of the House of Commons in favour of English, Early & Co., adopted in lieu of the one entered into by this House on the same subject, which was read and concurred with.

Mr. Irwin who had leave to withdraw for amendment the Bill to prevent Litigious suits, delivered in the same, which being read with the amendments was, on motion, rejected.

Received from the House of Commons the Bill to amend "an Act passed at New Bern, December, 1785, for increasing the Jurisdiction of County Courts of Pleas & Quarter Sessions and Jus-

tices of the Peace out of Court and to direct the time of holding Courts in this State." Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the second time & returned.

Received also, the report of the Committee in favour of the Field officers of Davidson County. Endorsed, read and concurred with.

And the Memorial of Francis Child, Esq. Endorsed, read and referred as by the Senate.

Received likewise the resignation of Allen Jones, Esq., as Brigadier General of the District of Halifax. Endorsed, read and accepted.

Received likewise the Bill to repeal the fourth section of an act passed at New Bern in the year 1784, intituled "an Act to amend and supply the deficiencies of an Act passed last Session of Assembly at Hillsborough, intituled an act to regulate the descent of real Estates, to do away entails, to make provision for widows and to prevent frauds in the execution of last Wills and Testaments, and for directing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated and perpetuated." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise the report of a Committee of the last Assembly in favour of Reuben Searcy, which was by them laid over for the consideration of this Assembly. Endorsed, referred to Mr. P. Hawkins, Mr. W. Hawkins & Mr. Young; which being read was on the part of the Senate, referred to Mr. Person, Mr. Macon & Mr. Hill & returned.

Mr. Coor moved for leave and presented a Bill to empower the Honorable the Continental Congress to regulate the trade & Commerce of this State, and to levy and collect duties within the same for the purposes therein mentioned.

Ordered that this Bill be read, which being read was passed the first time and sent to the House of Commons.

Adjourned till To-morrow Morning 10 O'Clock.

TUESDAY, 4 December, 1787.

The House met according to adjournment.

Mr. Skinner moved for leave and presented a Bill to empower the

County Courts of Pleas and Quarter Sessions in the County of Perquimans to lay a tax for the purpose of repairing the Prison, and building a Gaolers House in the County aforesaid; which was read, passed the first time and sent to the House of Commons.

Mr. Macon presented the account of Robert White, Sheriff of Dobbs County, for conveying from his said County to the District Gaol Sundry offenders against the State; which was read and referred to the Committee of Claims & sent to the House of Commons.

On motion of Mr. Irwin, Resolved, That it is the opinion of this Assembly that the Laws of the State fully authorize the public Treasurer to settle with all persons who may have public Monies in their Hands.

Sent for concurrence.

On motion of Mr. Allen Jones, seconded by Mr. Irwin,

Resolved, That the Treasurer settle the account of James Green Lee late Coroner and Sheriff of Burke County according to the several Duplicates furnished him by the Clerk, allowing him a credit for the Dollar Bills at their nominal value in the discharge of the tax for the years 1780 & 1781, and that he also settle with the said Green Lee as Sheriff for the public tax for the years 1782 & 1783, giving him a credit for the warrants and certificates drawn on the Treasury in discharge of the Tax for the years 1780 & 1781; for Taxes, and the Warrants and Claims by him produced were *bona fide* by him received from the several Collectors in discharge of the Tax for the Years 1782 & 1783, and that he has in no instance employed the public Monies to his own use or in any speculation whatever.

Sent for concurrence.

Mr. Hill, who had leave to withdraw for an amendment the Bill empowering Commissioners to make sale of the Palace and public Lots within the Town of New Bern in manner therein mentioned, delivered in the same; which was read with the amendments, passed the second time and sent to the House of Commons.

Mr. Person, from the Committee, delivered in the following report:

Your Committee to whom was referred the Memorial of Patrick Cleary, having examined the several papers and Testimonials referred to in the said Memorial, find that the Memorialist made sev-

eral attempts to come into this State in order to claim the property of his deceased Brother, Timothy Cleary otherwise Clear, within the time limited by the first Confiscation Act and by which it was supposed to be Confiscated, but owing to unavoidable accidents was prevented; the Memorialist also produced ample Testimonials of the attachment of Timothy Cleary otherwise Clear, to the cause of American liberty, by all which it appears to your Committee that the property claimed by Patrick Cleary himself, his brother and three Sisters, was not confiscated by the Spirit of the Law, nor ought it to have been taken or sold as such.

Your Committee are therefore of opinion, that in justice and good faith the said Patrick Cleary & those whom he represents, are intitled to relief by passing a Law whereby the said Patrick Cleary shall become *ipso facto* seized & possessed of and intitled to all the Estate real and Personal, Lands, Tenements, Goods & Chattels, rights and choses in action of whatsoever kind which were of the said Timothy Cleary otherwise Clear, at the time of his death, and which have at any time since been sold, Confiscated or forfeited to the use of the State by any law thereof, to be held by him the said Patrick Cleary, his heirs, Executor, Administrator or assigns respectively in trust, to be received, possessed of, sold and disposed of, to and for the use and benefit of his said Brother Simon Cleary & the other Persons whom the said Patrick represents; except such part of the personal Estate as by Law belonged to the said Timothy Cleary's widow, and excepting all such part of the personal Estate as he received compensation for, or was paid to him by the State; and that previous to an Act taking effect for the purpose aforesaid the said Patrick Cleary shall take the oath of allegiance to this State prescribed to be taken by the Citizens thereof before some one of the Judges of the Superior Courts or some Justice of the Peace, and that the said Patrick Cleary after taking such oath of allegiance shall and may lawfully commence and prosecute in his own name, all and every such suit or suits, action or actions either in Law or Equity as may be needful for the recovery of the whole or any part of the said real Estate for which he shall become possessed or seized, or to which he shall be entitled, and such suit or suits shall be sustained and Judgment and execution awarded thereon in the same manner as for suits brought by any Citizen of this State,

any plea of the disability or alienism of the said Patrick Cleary or any other therein named, or any Law, usage or Custom to the contrary, notwithstanding.

All which is submitted.

THOS. PERSON, Chn.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. Lane moved for leave and presented a Bill to empower the County Courts to proceed in certain cases as then directed, which was read, passed the first time and sent to the House of Commons.

Mr. Hill, who had leave to withdraw for amendment the Bill for altering the names of certain persons therein mentioned, delivered in the same; which was read with the amendments, passed the second time & sent to the House of Commons.

Received from the House of Commons the resignations of John Collier and James Dougan, Esquires, Justices of the Peace for the County of Randolph. Endorsed, read and accepted; which being read in this House were likewise accepted and returned.

Received likewise the Bill to erect a District Court of Law and Equity at Fayetteville. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read was passed the second time in this House & returned.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the Committee of Finance and public Bills be consolidated; as the whole of the Gentlemen who act on the one are Members of the other.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have on our part appointed Mr. Polk and Mr. Steele to assist in examining the Engrossed Bills.

Mr. Speaker & Gentlemen:

We have added Mr. Davie to the Committee on Finance and the Committee apd. to report such Bills of a public Nature as are necessary to be passed into Laws this Session.

Received from the House of Commons also the Bill to restore to Hugh Ross of Anson County his Land, and the Bill to amend and regulate the Inspection of Tobacco in this State. Respectively endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read the former was passed the second time in the House and returned, and the latter referred for amendment to Mr. Gallaway, Mr. Macon & Mr. Ramsay.

Received likewise the following Bills, to-wit:

The Bill to emancipate certain persons therein mentioned;

The Bill to repeal the fourth section of an act passed at New Bern in the year 1784, intituled "an Act to amend and supply the deficiencies of an act passed last Assembly at Hillsborough, to do away entails, to make provision for Widows, and to prevent frauds in the execution of last Wills and Testaments, and for directing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated and perpetuated;" and

The Bill to appoint a Trustee in the room of James Sampson, deceased, who together with others was appointed trustee for the purposes therein mentioned by an act passed at Fayetteville 1787, intituled "an Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her children." Respectively endorsed, read the second time & passed.

Ordered that these Bills be read, which being read were severally passed the third time and returned.

Mr. Allen Jones moved for leave and presented a Bill for hiring out persons convicted on Indictment or presentment and not being able or willing to pay the fine and fees of office.

Ordered that this Bill be read, which being read was passed the first time and sent to the House of Commons.

Received from the House of Commons the following Bills:

A Bill empowering the Court of Pitt County to establish a free ferry over Tar River at the Town of Greenville and to levy a tax on the inhabitants of said County for that purpose;

A Bill for establishing two places in the County of New Hanover for the purpose of holding General musters therein, for dividing the Militia of said County into two Districts suitable & convenient for the inhabitants to attend musters at the respective places and for ap-

pointing the place of holding Courts Martial in said County; and

A Bill for the accommodation of Post Riders and to amend an Act intituled "an act to impower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out public roads, and to establish & settle ferries, and to appoint where bridges shall be built, and to clear Inland Rivers & Creeks," passed at New Bern the 22d day of October, 1784. Respectively endorsed, read the third time and passed.

Ordered that these Bill be read, which being read were severally passed the third time in this House and ordered to be Engrossed.

Received also, the resolution of this House in favour of James Green Lee. Endorsed, read and concurred with; and the accot. of Robert White, Sheriff of Dobbs County. Endorsed, referred as by the Senate.

Received likewise the Bill for levying a further Tax in the several Counties in the District of Morgan to defray the remaining expence accrued for the public buildings in said District, and also to levy a further Tax in the County of Mecklenburg to defray the expence of the public buildings in the said County. Endorsed, read the second time & passed.

And a Bill to encourage the Citizens of this State, and others, to promote and improve the several Arts and Sciencies and Manufacturies within the limits of the Same. Endorsed, read the first time and pased.

Ordered that these Bills be read, which being read the former was passed the second time, and the latter the first time in this House and returned.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is the sense of this House that no Bill be received by either House after Monday next. Should this be your opinion you will give us information thereof.

Received from the House of Commons the Representation of Thomas Benbury, Esquire, Collector for Port Roanoke. Endorsed, referred to the Committee of Propositions and Grievances; which being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the representation of Thomas Benbury, Esq., be referred to the consideration of a joint Committee in lieu of the Committee of Propositions & Grievances. We have for this purpose on our part appointed Mr. Coor, Mr. Gallaway, Mr. Skinner and Mr. Mitchell.

Adjourned till To-morrow Morning 10 o'clock.

WEDNESDAY, 5 December, 1787.

The House met according to adjournment.

Whereas, it has been made appear to this Assembly by sufficient Testimony that Francis Harper, a Justice of the Peace for the County of Chatham, hath been guilty of sundry Crimes tending to injure the State and derogatory to the Magistracy which he bears,

Resolved therefore, That the said Francis Harper be and he is hereby suspended from the exercise of his said office of Justice of the Peace of Chatham until the end of the next Session of Assembly, or until he shall shew sufficient cause wherefore this suspension should not be in force.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

Agreeable to the two Houses of the General Assembly of the 21st of November, this day was set apart for taking under consideration the Federal Constitution;

We therefore propose that the two Houses meet in conference on this business in the Commons room immediately.

The foregoing being read the proposition therein contained was objected to by Mr. Person, who rose and stated his objections to such a procedure. Mr. Person having spoken on this occasion as often as the rules of the House would permit, he was called to order by the Speaker; then on motion of Mr. Person, seconded by Mr. Macon, it was ordered that the yeas and nays be taken by way of determining whether Mr. Person should be again permitted to speak, which being accordingly done, were as follows, to-wit:

For granting permission—Mr. Griffin, Mr. Sheppard, Mr. Lane, Mr. Coor, Mr. Hill, Mr. Mooring, Mr. McCawley, Mr. Winston, Mr. Macon, Mr. McAllister, Mr. Irwin, Mr. Henley, Mr. McDowall,

Mr. Harget, Mr. H. Williams, Mr. Moore & Mr. Bledsoe.—17.

For not granting permission—Mr. Mayo, Mr. Battle, Mr. John Williams, Mr. Overton, Mr. Allen Jones, Mr. Skinner, Mr. Ramsay, Mr. Warrenton, Mr. Boon, Mr. Johnston, Mr. Gregory, Mr. Jordan, Mr. Lenoir, Mr. Clinton, Mr. Berger, Mr. Kenan, Mr. Long, Mr. Robinson, Mr. Relf, Mr. Easton, Mr. Owen, Mr. Reddick, Mr. Miller, Mr. Crawford, Mr. Willis, Mr. Mitchell, Mr. Kennady and Mr. Wynns.—28.

So Mr. Person was not permitted again to speak.

Whereupon, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the two Houses adjourn into Conference in order to take up the consideration of the Federal Constitution, as by you proposed.

The Senate and House of Commons now convened in the Conference room; Whereupon on motion of Mr. Speight, Resolved, That the two Houses form themselves into a Committee of the whole to consider of the proposed Federal Constitution. The Houses formed themselves into a Committee accordingly and chose Elisha Battle, Esquire, Chairman, when the said Constitution was read and debated which being done Mr. Chairman reported that the Committee had come to several resolutions, but not having time to reduce them to form deterred until To-morrow to Report;

Whereupon ordered that the Chairman report Tomorrow accordingly.

The Committee then arose, when the Senate returned to their room & Mr. Speaker resumed the Chair.

Adjourned till To-morrow Morning 10 O'clock.

THURSDAY, 6 December, 1787.

The House met.

Mr. Battle, Chairman of the Committee of the whole of the two Houses on the Federal Constitution, agreeably to the order of yesterday delivered in the following, as being the proceedings of the said Committee, to-wit:

Whereas, the General Convention lately held in the City of Philadelphia have agreed upon a Constitution for the future Gov-

ernment of the United States; and Whereas, Congress have unanimously resolved that the said Constitution, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the People thereof.

Resolved, That it be recommended to such of the Inhabitants of this State as are entitled to vote for representatives of the House of Commons to meet in their respective Counties on the last Friday & Saturday in March next at the several places fixed by Law for holding the annual Elections, and Elect five suitable persons to serve as Delegates from each County and one person from each Borough town, in a State Convention for the purpose of deliberating and determining on the said Constitution, and that such Election shall be conducted agreeably to the mode & conformable to the rules and regulations prescribed by Law for conducting the Elections of members of the General Assembly, and any Citizen within this State being a free holder shall be eligible to a seat in the Convention.

Resolved, That every person living in any one of the Borough Towns in this State and having a freehold therein shall have a right to vote for Members to represent the County in which such Town shall be.

Resolved, That the persons elected to serve in the State Convention do Assemble and meet together on the third Monday of July next at a place to be appointed by joint ballot of both Houses of the General Assembly, then and there to take into consideration the aforesaid Constitution and if approved of by them, to confirm and ratify the same in behalf and on the part of this State, and make report thereof to the United States in Congress Assembled, agreeably to the resolution annexed to the said Constitution.

Resolved, That the Sheriffs of the several Counties within this State give as early notice as may be to the people in their respective Counties and Borough Towns of the time, place and purpose of holding said Election.

Resolved, That three hundred Copies of these resolutions and fifteen Copies of the proposed Federal Constitution be immediately printed, and dispersed by the members of the General Assembly among their respective Constituents, and that the Executive transmit a Copy of them to Congress, and to the Legislative and Executive of the several States.

ELISHA BATTLE, Chm.

On reading and concurring with the foregoing resolutions one of which is as follows, to-wit:

“Resolved, That the persons elected to serve in the State Convention do assembly and meet together on the third Monday of July next at a place to be appointed by joint ballot of both Houses of the General Assembly then and there to take into Consideration the Federal Constitution, and if approved of by them to confirm and ratify the same in behalf and on the part of this State and make report thereof to the United States in Congress Assembled, agreeably to the resolution annexed to the said Constitution;”

It was proposed by Mr. Coor, seconded by Mr. Person, that it be amended by expunging from the words *Congress Assembled* to the end thereof and inserting the following, to-wit: But in case they do not agree that the said proposed constitution shall become binding on the people of this State that then and in that case they report to the Executive Authority of this State their objections and the necessary alterations which should be made so as to secure to the people of this State their most valuable and indispensable rights, Liberties and Privileges, as expressed and secured to them by the Bill of rights and Constitution of this State. This being objected to, & the question called for and put, was negatived; whereupon on motion of Mr. Coor, seconded by Mr. Person, ordered that the yeas and nays be taken which are as follows, to-wit:

For the proposed amendment—Mr. Coor, Mr. Hill, Mr. H. Williams, Mr. Bledsoe, Mr. Winston, Mr. Person, Mr. Hendley and Mr. Gallaway.—8.

Against the proposed Amendment—Mr. Mayo, Mr. Battle, Mr. Griffin, Mr. J. Williams, Mr. Overton, Mr. Allen Jones, Mr. Sheppard, Mr. Lane, Mr. Skinner, Mr. Ramsay, Mr. Warrenton, Mr. Boon, Mr. Moring, Mr. McCawley, Mr. Johnston, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Clinton, Mr. Berger, Mr. Macon, Mr. Kenan, Mr. McAllister, Mr. Long, Mr. Irwin, Mr. Relf, Mr. Easton, Mr. Owen, Mr. Riddick, Mr. Willis, Mr. Crawford, Mr. McDowall, Mr. Kennady, Mr. Hargett and Mr. Wynns.—35.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received your Message proposing that no Bills of what-

ever nature be received by either House after Monday next, with which we have concurred.

We have also concurred with your proposal for uniting the Committees of Finance and on Public Bills.

Your proposition with respect to the representation of Thomas Benbury, Esquire, we have also concurred with, and have on our part appointed Mr. Horn, Mr. Mebane, Mr. Cabarrus, Mr. Franklin & Mr. Spaight a Committee, who will act with the Gentlemen by you nominated to consider of the said representation.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the General Assembly ballot at 4 O'clock this afternoon for the place at which the State Convention shall be held. We nominate for this purpose the Towns of Hillsborough, Tarborough, New Bern & Fayetteville.

We also propose that the place at which the next Assembly shall be held be made choice of at the same time, and a Brigadier General for the District of Halifax. We nominate the towns of Tarborough, New Bern and Fayetteville for holding the next Assembly at, and Thomas Eaton, Esquire, for Brigadier General

Should these propositions meet your approbation, Mr. Gallaway & Mr. Macon will superintend the balloting on the part of this House.

We also propose that the ballots be taken in the respective Houses.

Mr. Jones moved for leave and presented a Bill for the more regular collecting and accounting for the revenues of this State, for allowing the Public Treasurer a Clerk, and for collecting of arrearages; which was read, passed the first time in this House & sent to the House of Commons.

Mr. Miller, who had leave to bring in a Bill to erect and establish a Town in Rutherford County on the Land already procured by the Commissioners for the purpose of building a Court House, Prison and Stocks for the said County, and to amend an Act to regulate the Town of Salisbury, delivered in the same; which was read, passed the first time and sent to the House of Commons.

Mr. Harget presented a Petition from William White & Winston Caswell, Ex'rs of Wm. Caswell dec'd.; which was read & referred

to the Committee appointed on the Petition of Caleb Mason & sent to the House of Commons.

Mr. McAllister presented the Petition of Daniel Shaw a wounded Soldier, which was read and ordered to lie on the Table.

Received from the House of Commons a Resolution directing the Committee of Claims as to the manner of Liquidating Accounts; which was read, concurred with & returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to settle and liquidate such claims against the public as might heretofore have been liquidated by any of the several boards of Auditors, such claims appearing to them to be just, and have for this purpose appointed one member of this House from each district, to-wit: Mr. Lewis, Mr. Latham, Mr. McDowall, Junr., Mr. Dawson, Mr. Copeland, Mr. Gardner & Mr. Whitfield.

The foregoing being read the proposition therein contained was rejected.

Mr. Allen Jones presented the claims of Samuel Lockhart & James Vincent; which was read, referred to the Committee of Claims & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received your Message proposing to ballot at four O'clock this Evening for the place of holding the next Assembly and the Convention, &c. We agree to all the proposals therein, except that of balloting for a Brigadier General for the District of Halifax. We have added to the nomination for the place of holding the Convention the Town of Halifax, for the Assembly the Towns of Hillsborough & Salisbury. Should you think proper to ballot for these places without balloting for a Brigadier General, we will go into that business at four O'clock this afternoon as by you proposed; Mr. Cabarus and Mr. Franklin were appointed to superintend the balloting.

Adjourned till 4 o'clock P. M.

The House met.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to ballot agreeable to your last Message, and are now ready to enter on that business.

Mr. Johnston, from the Committee of Propositions & Grievances, delivered in the following report:

The Committee of Propositions & Grievances, to whom the Memorial of John Kingsborough was referred, Report,

That one Daniel Southerland some time in the year 1781 left this State and joined the Enemies of the United States, by means of which his property became forfeited to the use of the States. That some time in the year 1782 & 1783, an attachment was levied on part of a Lott and House in the Town of Wilmington at the suit of Parker Quince, Executor of one Richard Quince, deed. That in the mean time, to-wit: On the 7th day of June, 1786, the Commissioner of Confiscated property for the District of Wilmington exposed the said part of Lott and House at Public Vendue, and that the Memorialist, John Kingsborough, purchased the same at the price of five thousand & fifty pounds & actually paid the Certificates and received a Grant agreeably to Law, since which the said Executor hath obtained a Judgment against the said Southerland founded on said attachment for the sum of four hundred pounds, and on the 29th September last the Sheriff of New Hanover County levied an Execution on the said Lott, sold the same and actually dispossessed the said Kingsborough thereof.

Your Committee are therefore of opinion, that the levying the attachment on the said Lott, it then being the property of the State by the forfeiture, is entirely illegal, no mode then being pointed out for the recovery of Debts by law from persons who come under that description, and after a Law was passed for that purpose the mode of proceeding thereby not being pursued.

Your Committee are further of opinion that the said John Kingsborough ought still to retain the said part of a Lott & House, and if the Executor hath any Claim for the Judgment it ought to be paid by the public out of the Monies the said piece of Lott and house sold for, and which is actually paid into the Treasury in such manner as the General Assembly shall think proper to direct.

All which is submitted.

JOHN JOHNSTON, Chr.

The Committee of Propositions & Grievances, to whom the Petition of Jonathan Hooker was referred, report that in the year 1769 John Hooker, Brother of the Petitioner, an infant of Twelve years old, was seduced and carried off to the Mosquito Shore in New Spain in America by a certain Abram Jennett; that the said Jonathan Hooker, next of kin and Heir apparent to the said John Hooker, who by devise was possessed of one Hundred & Eighty Acres of Land in the County of Tyrrell in fee simple, that the Commissioner of Confiscated Estates for the District of Edenton on the — day of ——— 178—, under & by virtue of the Law commonly called Confiscation Laws, exposed & sold the aforesaid Land at Public Vendue; the said Nathan Hooker became the purchaser as he believed in justice the Land was not confiscated, and that the General Assembly could remove the Grievance.

Your Committee taking these Facts into consideration, together with the information of Colo. Murfree the aforesaid Commissioner, by whom the sale was made, that the Bond of the said purchaser Nathan Hooker is not due and payable until January next, are of opinion that the aforesaid Lands were not subject to confiscation.

Wherefore Resolved, That the said Commissioner Cancel the said Bond, and that the Comptroller credit his account accordingly.

JOHN JOHNSTON, Chr.

The Committee of Propositions and Grievances, to whom the Petition of Fanny McNeil was referred, report,

That the property of James McNeil, Husband of the said Fanny, was confiscated and sold by the Commissioner of Halifax District.

That by an order of Halifax County Court the said Fanny was authorized to draw a proportion of one third of the amount of such sales which she hath actually received, except as to two Hundred and seventy pounds yet owing by Joseph John Clench for a part of the property so sold.

Your Committee are of opinion that the said Fanny McNeil is justly entitled to her proportion of the aforesaid sum of two Hundred & seventy pounds; wherefore

Resolved, That the Commissioner aforesaid pay to the said Fanny such proportion thereof, as soon as he shall receive the same, as she is intitled to by the said order of Court, and that the Comp-

troller credit the Account of the said Commissioner accordingly.
All which is submitted.

JOHN JOINSTON, Chr.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the report of the Committee on the Petition of Reuben Searcey, and the Petition of Walter Allen. The former endorsed, read and concurred with; and the latter referred to the Committee appointed on the Petition of Mr. Searcey; which being read each was rejected.

Received also, a recommendation of the County Court of Chatham in favour of John Kendrick. Endorsed, referred to the Committee of Propositions & Grievances.

And a resolution entered into in consequence of the report of a Committee on the Petition of the Field Officers of Davidson, which being read the former was referred as by the House of Commons & the latter concurred with & returned.

Received likewise the Memorial of John Simpson, Esquire. Endorsed, referred to the Committee on the affidavit of Reuben Searcy and the resignation of Isaac Pipkin, a Justice of the Peace for the County of Gates. Endorsed, accepted; which being read, the former was referred as by the House of Commons and the latter accepted.

Received likewise, the Bill for altering the names of certain persons therein mentioned; and the Bill empowering the Commissioners therein named to build a Gaol in the County of Anson, to levy a tax to defray the expence thereof & to change the name of Newtown in said County to the name of Wadesborough. Respectively endorsed, read the third time & passed.

Ordered that these Bills be read, which being read passed the third and last time in this House and ordered to be Engrossed.

Received likewise, a resolution of the House of Commons recommending the people to instruct their Delegates when met on Convention to amend the Constitution of this State; which being read was concurred with & returned.

And the Bill to encourage the draining a Tract of Land in Tyrrell County, which being read was rejected.

On reading the second time in this House the Bill to ascertain the

fees of Attorneys, Sheriffs and Constables within this State, it was moved and seconded that the following clause thereof be deled, to-wit:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the attorneys practicing in the several Courts of Law & Equity shall demand and receive the following fees and no more:

In Suits of Equity £10

In cases on the Law side where the title of the Land comes in question £5.

In all other suits originally commenced on the same side the sum of £2 10s.

In all appeals to the Superior Court £2 10s.

In all suits in the County Courts of Pleas & Quarter Sessions where the title of lands comes in question £5.

In all other suits originally commenced in said Courts the sum of £1 5s.

In every appeal from the Judgment of a Justice of the Peace £12 6s.

This being objected to the question was called for and carried in the affirmative; whereupon, on motion of Mr. Lenoir, seconded by Mr. Gallaway, ordered that the yeas and nays be taken on this question, which are as follows:

For the clause remaining in the Bill—Mr. Lane, Mr. Hill, Mr. Lenoir, Mr. Bledsoe, Mr. Winston, Mr. Clinton, Mr. Person, Mr. Macon, Mr. Henly, Mr. Gallaway, Mr. Kennedy, Mr. Mayo & Mr. Wynns.—13.

For deleding the clause—Mr. Battle, Mr. Griffin, Mr. J. Williams, Mr. Ab Jones, Mr. Warrenton, Mr. Coor, Mr. Allen Jones, Mr. Boon, Mr. McCawley, Mr. Johnston, Mr. H. Williams, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Berger, Mr. Kenan, Mr. McAllister, Mr. Long, Mr. Irwin, Mr. Robertson, Mr. Relf, Mr. Easton, Mr. Owen, Mr. Reddick, Mr. Miller, Mr. Willis, Mr. Mitchell & Mr. Hargett.—28.

Mr. Gallaway & Mr. Macon, from the joint balloting for a place at which the State Convention & next Assembly shall be held, delivered in the following report:

That having executed the trust in them reposed find on casting up the scrolls that Hillsborough had a majority of votes for holding

the Convention, and that no place had a Majority for the sitting of the next Assembly.

The house taking this report into consideration, Resolved, That they do concur therewith.

Adjourned till to-morrow Morning 10 O'clock.

FRIDAY, 7 December, 1787.

The House met according to adjournment.

Mr. Skinner, who had leave to withdraw for amendment the Bill to empower the County Courts of Pleas and Quarter Sessions in the County of Perquimons to lay a Tax for the purpose of repairing the prison and building a Gaoler's House in the County aforesaid, delivered in the same with the amendments; which was read, passed the second time & sent to the House of Commons.

Mr. Allen Jones, who had leave to withdraw for amendment the Bill to repeal two Acts of the General Assembly of this State, one passed at New Bern in 1784, Intituled "an Act to describe and ascertain such persons who owed allegiance to this State & to impose certain disqualifications on certain persons therein described." The other passed at New Bern in the Year 1785, Intituled "an Act to amend an Act passed at New Bern in the year 1784, Intituled an Act to amend an Act Intituled an Act to describe and ascertain such persons who owed allegiance to this State and to impose certain disqualifications on certain persons therein described," delivered in the same; which was read with the amendments, passed the second time & sent to the House of Commons.

Mr. Allen Jones also presented a Petition from sundry of the Inhabitants of Rowan County; which was read, referred on the part of this House to the Committee appointed on the Memorial of Judge Ashe, & sent to the House of Commons.

Mr. Skinner moved for leave and presented a Bill to repeal an Act pased at New Bern in the year 1784, Intituled "an Act to repeal an Act of the last General Assembly Intituled an Act ceding to the Congress of the United States certain western Lands therein described and Authorizing the Delegates from this State in Congress to execute a Deed or Deeds for the same."

On reading for the first time this Bill, it was moved by Mr. Gal-
laway & seconded by Mr. Person, that it be rejected; this being

objected to and the question called for and put, was carried in the negative.

Whereupon, on motion of Mr. Person, seconded by Mr. Macon, ordered that the Yeas and Nays be taken, which are as follows, vizt.:

For the passage of the Bill—Mr. Mayo, Mr. Battle, Mr. John Williams, Mr. Skinner, Mr. Warrenton, Mr. Coor, Mr. Hill, Mr. Boon, Mr. H. Williams, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Long, Mr. Robinson, Mr. Easton, Mr. Owen, Mr. Reddick, Mr. Willis, Mr. Mitchell, Mr. Kennedy, Mr. Hargett & Mr. Wynns.—23.

Against the passage of the Bill—Mr. Griffin, Mr. Ab. Jones, Mr. Sheppard, Mr. Lane, Mr. Allen Jones, Mr. Ramsay, Mr. McCawley, Mr. Lenoir, Mr. Bledsoe, Mr. Winston, Mr. Clinton, Mr. Berger, Mr. Person, Mr. Macon, Mr. McAllister, Mr. Irwin, Mr. Hendley, Mr. Relf, Mr. Martin, Mr. Miller, Mr. McDowall, Mr. Gallaway.—22.

So this Bill was passed the first time and sent to the House of Commons.

Mr. Person presented the Petition of Benjamin Sheppard, Esquire, which was read and referred to the Committee appointed on Judge Ashe's Memorial; and the Petition of Pleasant Henderson, which was also read, referred to the Committee of Claims & sent to the House of Commons.

Mr. Person, from the Committee delivered in the following report:

The Committee to whom the Petition of Mary White was referred Report, that on examining the allegations therein set forth, It appears that in the year 1774 a certain David Lindsay White, deceased, was high Sheriff of the County of Bladen, and Husband of the said Mary White; it also appears from the representation of Colo. Owen, that the said White did not settle his account finally with the public. Your Committee are therefore of opinion the Petition ought to be rejected.

All which is submitted.

THOMAS PERSON, Ch.

Mr. Allen Jones presented the account of William Bryant of Bertie County, which was read and referred to the Committee of Claims & sent to the House of Commons.

Mr. Harget presented the Memorial of John Willis, Esquire, of

Robinson County; which was read, referred to the Committee appointed on Judge Ashe's Memorial & sent to the House of Commons.

Mr. Person from the Committee, delivered in the following report:

The Committee to whom was referred the Petition of Benjamin Wilson and Zephaniah Burges report, that on examining the premises and strictly inquiring into the nature of the prayer of the said Petition, it appears to your Committee that the lands alluded to are in dispute and that but one of the parties being present they are of opinion that it ought to be rejected.

All which is submitted.

THOMAS PERSON, Chn.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. Jones moved for leave and presented a Bill to establish an Inspection of Tobacco at Murfreesborough; which was read, passed the first time & sent to the House of Commons.

Mr. Person, from the Committee, delivered in the following report:

Your Committee to whom the Memorial of Matthew McClure was referred, report,

That on a strict enquiry into the nature of Mr. McClure's Claim it appears that he advanced a very considerable sum of money to the public for the purpose of purchasing necessaries for the use of the sick and wounded in the Hospital at Charlotte, by order of General Greene, and that the said McClure has not been reimbursed for such expenditures; It also appears that suits have been instituted against the said McClure on Accot. of contracts made by him for necessaries suitable for the support of the said Hospital, for the amount of Two Hundred and Fifty Pounds.

Your Committee are therefore of opinion as this is a very singular case and so strong a mark of McClure's benevolence to his Country as well as to his fellow creatures who were then in a very distressed situation, that he be advanced by the public Treasurer the sum of two Hundred & fifty five Pounds on loan for which he is to be accountable, the Treasurer holding the Comptroller's Certificates now in his possession for one thousand seven hundred and fifty three

Pounds as security for the same, until a final settlement is made by the United States in Congress respecting the premises.

All which is submitted.

THO PERSON, Chr.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the account of William Bryant;

The Petition of Pleasant Henderson; The Petition of the Inhabitants of Rowan County; The Petition of Winston Caswell & William White; the Memorial of John Willis, Esquire; & the Claims of Samuel Lockhart and James Vincent. Respectively endorsed, read and referred as by the Senate.

Mr. Hill presented the Petition of Josiah Jackson of Franklin County, setting forth that he had his House consumed by fire and in it a Specie Certificate to the amount of Twenty seven pounds, and praying that another might be issued in his favour; which being read was rejected.

Mr. Overton, who had leave to withdraw for amendment, the Bill to prevent frauds committed by the swapping of Horses, delivered in the same with the amendments; which was read the second time, passed and sent to the House of Commons.

Received from the House of Commons the Bill for fixing the final settlement of unliquidated claims against this State and against the United States;

The Bill to amend an Act entitled "an Act to keep open Roanoke River for the passage of Fish up the same, & other purposes therein mentioned," and the Bill to remove all obstruction to the passage of Fish up Neuse river. Respectively endorsed, read the second time & passed.

Ordered that these Bills be read, which being read were severally passed the third time in this House and returned.

Received also, the resolution of this House suspending Travis Harper, Justice of the Peace for the County of Chatham, from the exercise of his said office. Endorsed, read & concurred with.

And the report of the Committee on the Petition of Fanny McNeil. Endorsed, read & concurred with.

Received likewise the report of the Committee on the Petition of

Patrick Cleary; the report of the Committee on the Petition of Nathan Hooker, and the report of the Committee on the Petition of John Kingsborough. Respectively endorsed, read and concurred with.

Mr. Allen Jones moved for leave and presented a Bill to enable the County Courts to appoint Commisisioners to keep open rivers & creeks at their several falls, so far as they think necessary for the passage of fish up the same.

Ordered that this Bill be read, which being read was passed the first time and sent to the House of Commons.

Received from the House of Commons the Petition of Henry Hill and Thomas Fitt. Endorsed, referred to the Committee of Propositions and Grievances. The Petition of Mrs. Balfour. Endorsed, referred to the Committtee on the Petition of Wm. Alexander; and the Memorial of John Mare. Endorsed, referred to the Committee of Claims; the whole of which being read, were referred as by the House of Commons and returned.

Mr. Person, from the Committee, delivered in the following report:

The Committee to whom was referred the Petition of a number of the Inhabitants of Rowan County, report,

That on a minute enquiry into the allegations and grievances the said Petition set forth, it appears to your Committee from the information of some of the representatives of the said County that the people have not been properly consulted on that business; they therefore recommend it to your Honourable body as their opinion that the said Petition ought to be laid over till the next Assembly.

All which is submitted.

THOMAS PERSON, CLERK.

The House taking the foregoing report into consideration concurred therewith.

Mr. Allen Jones moved for leave and presented a Bill to Establish an Inspection of Tobacco at Murfreesborough; which was read the first time, passed and sent to the House of Commons.

Mr. Allen Jones also presented the Memorial and Petition of Mr. Thomas Hill of Halifax County.

Wherefore resolved, That the public Treasurer be and he is hereby directed on application of Thomas Hill of Halifax County, to pay

him the sum of Two Hundred and twenty two pounds thirteen shillings, it appearing to this Assembly that the like sum hath been by him converted to public use and for which the said Treasurer shall be allowed.

Sent for Concurrence.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that the Petitions herewith sent you from sundry of the Inhabitants of the Western part of the State be referred to the Committee appointed to report what public Bills are necessary to be passed at the present Assembly.

Adjourned till To-morrow Morning 10 o'clock.

SATURDAY, 8 December, 1787.

The House met according to adjournment.

On motion, ordered that Mr. Allen Jones have leave to absent himself from the service of this House after Wednesday next during the present Session.

Mr. Jones moved for leave and presented a Bill for amending an Act intituled "an Act for Establishing Courts of Law and for regulating the proceedings therein;" and another Act Intituled "an Act for giving an Equity Jurisdiction to the Superior Courts;" which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Petition of Thomas Vail. Endorsed, referred to the Committee appointed on Judge Ashe's Memorial; which being read was referred in like manner & returned. And the Report of the Committee on the Petition of Matthew McClure. Endorsed, Concurred with.

Received also, the resignation of Thomas Armstrong, Esqr., Colonel of the Cumberland Regiment of Militia. Endorsed, read and accepted; which was also accepted by this House & returned.

Mr. Allen Jones, who had leave to withdraw for amendment the Bill to impower the County Courts to proceed in certain cases as therein directed, delivered in the same with the amendments; which was read, passed the second time in this House and sent to the House of Commons.

Mr. Easton, from the Committee to whom the Petition of Caleb Mason was referred, reports:

That it appears to your Committee from certain Depositions and other corroborating circumstances, that the said Caleb Mason on his way from Matamuskeet (the place of his collection) to the County Treasurer, was overset in a Boat, by which accident he lost the sum of Seventy-four pounds Eight Shillings in public Money & One Hundred and seventy six Pounds in public Certificates, for which two several sums your Committee are of opinion he ought to be allowed in the settlement of his public accounts.

JOHN EASTON, Chr.

The House taking the foregoing report into consideration, Resolved, That they do Concur therewith, and that the following resolution be sent to the House of Commons:

Resolved, That the Treasurer of this State be and he is hereby authorized & required to allow the Sheriff of Hyde County in the settlement of his public accounts the sum of Seventy-four pounds eight shillings in current Money, one Hundred and seventy-six pounds in Certificates, which appears from the report of a joint Committee to have been lost for the oversetting of a Boat, in the Hands of Caleb Mason Collector of Taxes for the District of Matamuskeet, in the County aforesaid.

Sent for Concurrence.

Mr. Allen Jones moved for leave and presented a Bill for levying a tax for the support of Government and for the redemption of the old paper Currency, Continental Money & Specie and other Certificates; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Petition of Samuel Knox. Endorsed, referred to the Committee appointed on the Petition of Reuben Searcy. And the Petition of Richard Good. Endorsed, referred to the Committee of Propositions and Grievances; which being read the former was rejected, and the latter referred as by the House of Commons and returned.

Received likewise the Bill to enable the Wardens of the Poor for the County of Halifax to levy a tax on the Inhabitants of the said County, to discharge the debts due in the Year 1776 to the reverend

Thomas Burgess, now deceased, for Ministerial services performed in the Parish of Edgecombe and for allowance made in lieu of a Glebe. Endorsed, read the second time, amended & passed.

And the Bill to empower the administrators of Samuel Swann, late of New Hanover County, Esquire, deceased, to sell and dispose of part of the real Estate of the said Samuel for the payment of his debts in order to make the better provision for his Family; and also to make conveyances for such part of the real Estate as was sold by the said Samuel in his life time. Endorsed, read the third time and passed.

Ordered that these Bills be read, which being read the first was, on motion, rejected, & the latter passed the third time and ordered to be Engrossed.

On motion of Mr. Allen Jones, seconded by Mr. Skinner,

Resolved, That the General Assembly do not hold themselves bound to insure or Guarantee property of any kind to any Person, therefore will admit of no Claim for Money or Certificates, either lost, mislaid or destroyed by any mode or means whatever.

Sent for Concurrence.

Received from the House of Commons a Bill to extend an Act passed at New Bern the Twenty-ninth day of Dec'r, 1785, Intituled "an Act to empower the County Wardens of the Poor for the Counties therein mentioned, to build Houses in their respective Counties for the reception of the poor and other purposes," to the several Counties therein mentioned. Endorsed, read the second time and passed. And the Bill for Electing Wardens of the Poor. Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read each was passed the third time in this House and returned.

Received also, the Petition of Nicholas Gibbs of Orange County. Endorsed, referred to Mr. McDowall, Mr. Oliver & Mr. Phiifer; which being read was referred on the part of the Senate to Mr. Berger, Mr. Gallaway, Mr. Henly & Mr. Moore and returned.

On motion of Mr. Jones, seconded by Mr. Irvin,

Resolved, That the Committee of Claims admit no Claims for Fees and services due to Individuals on account of Prosecutions that have been had and carried on for and on behalf of this State against Criminals, unless certified by the Clerks of the several Courts that

there is an end to the several prosecutions on which such claims are or may be founded, and that the parties who have been indicted and prosecuted to decession are insolvent and unable to pay the same.

Sent for Concurrence.

Received from the House of Commons the following resolution:

Resolved, That the Chairman and any Six Members of the Committee of Claims be a quorum to proceed on business.

The House taking the foregoing resolution into consideration concurred therewith.

Received also, the Bill for fixing the residence of the officers of Government and the place for the future Meetings of the General Assembly. Endorsed, read the first time & passed.

And the Bill declaring the Treaty of Peace between the United States of America and the King of Great Britain to be the Law of the Land. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the first was passed the first time, and the latter the third time in this House and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to prepare and introduce a Bill directing the mode of trying impeachments. We have for this purpose on our part appointed Mr. Bloodworth, Mr. Tatham, Mr. Spaight, Mr. Mebane & Mr. Goudy.

The foregoing being read,

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that a Committee be appointed to prepare and introduce a Bill directing the mode of trying impeachments. We have appointed Mr. Jones, Mr. Coor & Mr. Person for this purpose, who will act with the Gentlemen by you made choice of.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree to your proposition, with respect to the referring of the Petition of the Inhabitants of the Western parts of this State to the Committee on public Bills.

Received also a Bill to repeal so much of an Act Intituled "an Act for building a prison and stocks in the County of Franklin, as relates to the Imprisonment of Criminals and others in the district Gaol, and the Bill empowering the Honble the Continental Congress to regulate the Trade and Commerce of this State and to levy and collect duties within the same for the purposes therein mentioned. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the former was, on motion, rejected & the latter laid over till next Assembly.

Adjourned till Monday Morning 10 O'clock.

MONDAY, 10th Decr., 1787.

The House met according to adjournment.

On motion, Ordered that Mr. Henry Hill have leave to absent himself from the service of this House after Friday next, during the present Session, and that Mr. Hollowell Williams have the like permission after Thursday next.

Received from the House of Commons the resolution of this House and report of the Committee in favour of Caleb Mason. Endorsed, Concurred with.

Received also the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to ballot on Monday next at 4 O'Clock in the evening for a Governor, Treasurer & Brigadier General for each of the Districts of Halifax and Washington, and the place at which the next Assembly shall be held. We nominate for Governor, Samuel Johnston and the Honourable John Williams, Esquire. For Treasurer, John Haywood, Esqr. For Brigadier General for the District of Halifax, Thomas Eaton, Esqr.; for Washington District, Joseph Martin and Anthony Bledsoe, Esqrs.

For the place at which the next Assembly shall be held, the Towns of Tarborough, Fayetteville, Hillsborough, Salisbury, Halifax, Salem and New Bern.

Mr. Coor presented a Petition from a number of the Inhabitants of Richmond County complaining of an undue Election which was read and referred to the Committee of Privileges & Elections.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have received your Message proposing to ballot at 4 O'clock this Evening for a Governor, place at which the next Assembly shall be held, and other officers therein mentioned, with which we do not concur; but propose that it be postponed until 4 O'clock on Wednesday next.

We approve of the whole of your Nominations and add thereto for Governor the Honourable Alexander Martin and Richard Dobbs Spaight, Esq. It is the request of Anthony Bledsoe, Esquire, that his name be withdrawn from the nomination for a Brigadier General for the District of Washington.

Mr. Johnston, from the Committee delivered in the following report:

Your Committee of Propositions and Grievances, to whom the Petition of Messrs. Henry Hill & Thomas Fitt was referred, report,

That on the second day of December, 1785, the said Petitioner fitted out a Vessel to the Coast of Africa for the purpose of importing Slaves; that previous to the arrival of said Vessel the Assembly at Fayetteville, passed a Law imposing a duty of five pounds per head on all Negroes imported into this State.

Your Committee taking these facts into consideration, and being convinced that the said Henry Hill & Thomas Fitt could not by any means in their power countermand the return of the said Vessel, are of opinion that in Equity & Justice & what is usual and Common in cases of the like nature they are not subject to the payment of the Duty aforesaid on the Slaves so imported. Wherefore,

Resolved, That the Collector of the Import at the Port of Edenton be and he is hereby directed and required to return or cancel the Bonds of the aforesaid Henry Hill & Thomas Fitt for the payment of the duties on the Slaves by them so imported.

All which is submitted.

JOHN JOHNSTON, Chn.

The foregoing report being read, it was moved and seconded that the same be rejected.

This being objected to and the question called for and taken was

carried in the negative, whereupon on motion of Mr. Skinner, seconded by Mr. Hargett, Ordered that the Yeas and Nays be taken, which are as follows, vizt.:

For concurring with the report—Mr. Mayo, Mr. Griffin, Mr. Abram Jones, Mr. Allen Jones, Mr. Ramsay, Mr. Warrington, Mr. Hill, Mr. Boon, Mr. Mooring, Mr. McCawley, Mr. Johnston, Mr. H. Williams, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Winston, Mr. Berger, Mr. Macon, Mr. Kenan, Mr. McAllister, Mr. Long, Mr. Irwin, Mr. Relf, Mr. Easton, Mr. Martin, Mr. Owen, Mr. Riddick, Mr. Willis, Mr. Crawford & Mr. Mitchell.—32.

For rejecting the report—Mr. Battle, Mr. John Williams, Mr. Overton, Mr. Skinner, Mr. Coor, Mr. Clinton, Mr. Hendley, Mr. Miller & Mr. Hargett.—9.

Received from the House of Commons the Bill for amending an Act Intituled “an Act for Establishing Courts of Law & for regulating the Proceedings therein;” and an other Act Intituled “an Act for giving an Equity Jurisdiction to the Superior Courts.” Endorsed read the first time & passed.

Ordered that this Bill be read, which being read was, on motion, rejected.

Mr. Coor moved for leave and presented a Bill directing the duty of Naval Officers, and of all masters of Vessels coming into any of the Ports or Inlets of this State; which was read, passed the first time and sent to the House of Commons.

Mr. Gallaway moved for leave and presented a Bill to direct the application of such public Tobacco as already is or may hereafter be purchased, by the Commissioners for that purpose appointed by the last General Assembly, and to repeal the thirteenth section of an act Intituled “an Act for the regulation of Commerce;” which was passed the first time & sent to the House of Commons.

Received from the House of Commons a Bill to amend an Act, intituled “an Act to remove all disabilities from Simon Cleary, and others therein named.” Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Mr. Irwin moved for leave and presented a Bill to alter the mode of Taxation on Lands by arranging the Lands within this State into

Classes as therein directed; which was read, passed the first time & sent to the House of Commons.

Mr. Person, from the Committee, delivered in the following report:

Your Committee to whom was referred the Petition of John Johnston, Esquire, report:

That having taken under their consideration the said Petition, & examined the several Papers produced by the said John Johnston in support of his claim; they are of opinion that the said John Johnston ought to have his title to the said Lands confirmed on his paying to the Treasurer or giving Bond according to Law, payable to the Governor and his Successor for the use of the State the Sum of one thousand and Eighty eight pounds Current money, it being the original price agreed upon between the said Jno. Johnston and Henry Eustace McCulloch, after deducting six years Interest, which by act of Assembly is taken off all debts due to persons who resided in Great Britain during the late War, and that by an act of the General Assembly he be released from the obligation given by him to the Commissioners of Confiscated property for the district of Edenton, and be invested with a full title to the said Lands mentioned in the said Petitioners Petition.

• THOS. PERSON, Chn.

The House taking the foregoing report into consideration concurred therewith.

Whereupon Mr. Person moved for leave and presented a Bill to vest the title of a certain Tract of land therein mentioned in John Johnston; which being read, passed the first time and was sent to the House of Commons.

Mr. Person also delivered in the following report:

The Committee to whom was referred the petition of Peter Goodwin, report:

That on examining the premises your Committee find that the said Peter Goodwin obtained a Judgment in the Court of Franklin County against John Hamilton, late of this State, for the sum of seven hundred and five pounds fifteen shillings, as will appear by the paper No. 1, to which your Committee beg leave to refer your Honourable Houses.

It also appears from the information of Col. Long that the Estate of the said Hamilton has been sold as confiscated property pursuant to Act of Assembly to a much greater amount than the Judgment obtained against the said Peter Goodwin, and the monies arising from such sale has been actually paid into the public Treasury.

Your Committee conceiving that it was never the intention of the Legislature to enrich their public coffers by injuring any of their citizens, do recommend to your Honourable body to pass a resolve directing the Treasurer to pay the said Peter Goodwin the aforesaid sum of seven hundred and five pounds fifteen shillings out of the Tax to be collected for the Year 1787.

All which is submitted.

THOMAS PERSON, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Bill to effect the cutting and clearing a road from the lower end of Clinch Mountain to the Cumberland settlement, and for preserving peace and granting safety to the inhabitants thereof. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read and amended, was passed the second time and returned.

Mr. Allen Jones presented the petition of John Willis, of Warren County, which was read, referred to the Committee appointed on the Memorial of Judge Ashe and sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the Bill to erect a District Court of Law & Equity at Fayetteville. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read was passed the third and last time and ordered to be Engrossed.

Received also the Petition of Henry Montford. Endorsed, referred to the Committee on Judge Ashe's Memorial; which being read was referred in like manner and returned.

Adjourned till to-morrow morning 10 o'clock.

TUESDAY, 11 December, 1787.

The House met according to adjournment.

On motion of Mr. Allen Jones, Resolved, That the several state-

ments of the accounts of Mr. James Green Lee, Sheriff of Burke County, for the years 1780, 1781, 1782 and 1783, as this day laid before the General Assembly by the public Treasurer, be by him entered on his books, that he receive payment of Mr. Green Lee agreeably to such statements, which payment when made shall be deemed in full and considered as a final settlement on the part of Mr. Green Lee.

Resolved further, That the Comptroller be and is hereby directed to settle with the public Treasurer and allow him his charges on their accounts as stated, notwithstanding the insufficiency of the vouchers tendered in support of either of the debits or credits thereof.

Sent for concurrence.

Received from the House of Commons a Bill to amend an Act entitled "An Act to bring to condign punishment and to secure their Estates so far as to be answerable to the public, the persons therein described accused of certain crimes and fraudulent practices and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious suits and prosecutions, and to establish a Board for the further detection and further discovery of the said fraudulent practices, & for settling and liquidating the accounts of the officers & soldiers of the Continental Line; to give the public a further security and to relieve the creditors of persons who have been presented or indicted in consequence of the said Act." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We herewith send you a Message this day received from His Excellency the Governor, together with the papers therein referred to, which we propose referring to the Committee of Finance.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Message from His Excellency the Governor, of this day's date, together with its inclosures, be referred to the Committee appointed on Finance.

Received likewise the report of the Committee on the Petitions of

Benjamin Wilson & Zephaniah Burges; the report of the Committee on the petition of Mary White, & and the resolution of this House in favour of Thomas Hill, of Halifax County. Respectively endorsed, read & concurred with.

Received likewise the petition of James Christian; a petition in favour of Thomas Matthews, of Moore County, & the petition of Joseph Arrington. Respectively endorsed, referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Received likewise a letter from Benjn. Hawkins, Esquire, and a petition & memorial from George Henry Berger, Esquire. Each endorsed, referred to the Committee appointed on Judge Ashe's Memorial; which being read was referred in like manner & returned.

Received likewise a report of the Committee appointed on the Petition of Thomas Benbury, Esquire. Endorsed, concurred with; which being read was also concurred with by this House & returned.

Also the Memorial of Stephen Moore, Esquire, late Deputy Quartermaster-General of this State. Endorsed, referred on the part of this House to Mr. Everagin, Mr. Dickens & Mr. Phifer; which being read was, on the part of the Senate, referred to Mr. Smaw, Mr. Miller & Mr. Moore & returned.

Received likewise a Bill to carry into further effect an Act intituled "An Act for opening the Land Office for the redemption of Specie and other Certificates, and discharging the Arrears due to the Army." Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Mr. Galloway presented the Petition of Charles McDowell, Esquire, & David McPeters; which was read, referred to the Committee appointed on Judge Ashe's Memorial & sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons a representation and letter from James Glasgow, Esqr. The first endorsed, referred to the Committee of Claims; and the latter to the Committee appointed on Judge Ashe's Memorial; which being read, each was referred as by the House of Commons & returned.

Mr. Person, who had leave to withdraw for amendment the Bill to amend and explain the true meaning of the several Acts of As-

sembly heretofore passed for giving a further time to Surveyors within the different Counties to make their Surveys & return Plots thereof to the Secretary's office, and more especially of an Act passed at New Bern in the year 1785, intituled "An Act to amend an Act intituled an Act for opening the Land office and other purposes and to give a further time for the registration of Marriage contracts;" which was read with the amendments & amended, passed the second time & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received your Message with respect to balloting for the place of holding the next General Assembly and public officers. As to that part thereof which proposes the Honorable Alexander Martin to be balloted for as Governor for the ensuing year we cannot concur with it, as this House upon a full investigation of the point of his eligibility to that office, have determined that question in the negative. The other parts of the Message we agree to.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We cannot agree that the name of the Honorable Alexander Martin, Esquire, be left out of the nomination for Governor, being still of opinion he is eligible to that appointment.

Mr. Warrenton, from the Committee, delivered in the following report:

The Committee to whom the Petition of William Caps was referred report,

That the said Petitioner, in consequence of a wound received at Yorktown, in Virginia, was adjudged by the Commissioner of New Bern District entitled to half pay during life, and agreeable to an Act of the General Assembly passed at New Bern 1785, received one year's allowance, (per treasurer's receipt herewith presented) but refused to pay any arrearages.

Your Committee taking these facts into consideration are of opinion that the said Caps is entitled to half pay from the conclusion of the war; wherefore,

Resolved, That the Treasurer pay him all arrearages of pay from

the conclusion of the late War, which he is entitled to by the said Certificate, up to the passing of the aforesaid Act.

All which is submitted.

JNO. WARRINGTON, Ch.

The foregoing report being read, Resolved, That they do not concur therewith, but that the same be rejected.

Received from the House of Commons the report of the Committee on the petition of John Johnston, Esquire. Endorsed, concurred with. Also the petition of Charles McDowall, Esquire, and David McPeters, and the petition & Memorial of John Willis, Esqr. Endorsed, referred as by the Senate.

Received also the Memorial of John Geddy. Endorsed, referred to the Committee on Finance. And the Memorial of Stephen Brooks. Endorsed, referred to the Committee appointed on the petition of Joseph Cain; which being read each was referred as by the House of Commons & returned.

Mr. Allen Jones, from the Committee, reported as follows:

The Committee for ascertaining the produce of the revenues and taxes, and the estimates for the year 1788, on examining the reports from the Treasury and Comptroller's office, with the Continental requisitions, beg leave to report that the net produce of our taxes and revenues as established for the present year, appear to amount on the

For Land Tax.....	£17,099 14 00
For Poll Tax.....	32,632 00 00
For Town Property.....	730 00 00
For Taxes in aid of the Public Revenue, Estimated at	3,800 00 00
Imports by water.....	11,929 10 00

Total Am't Nett Revenue for the Year 1787.....£66,191 4 00

The above Estimate is formed on the returns from fifty-one Counties only, there being no returns of either revenue or taxable property from the Counties of Washington, Greene, Davidson, Sumner or Hawkins.

The County of Robeson being erected only by Act of Assembly of last Session, is included in the above under the return of Bladen.

Your Committee beg leave to observe that the taxes on the Lands lying Westward of the Appalachian Mountains, when collected, will produce the sum of £1,929.18.3d nett revenue; but they are informed

that claimants & holders of the said Lands have generally refused or evaded returning them as part of their taxable property on the groundless pretence that they were caveated by an Act of the General Assembly, and therefore recommend that immediate measures be taken to compel such persons to make full and just returns of the said property.

Your Committee are of opinion that for the services of the year 1788, to be provided for by the present General Assembly for the payment of the Civil list, the requisitions by Congress, and incidental charges, it will be necessary that the sum of £96,866 be raised for the following purposes:

For the Civil List Department.....	£20,214	00	00
For this State's quota of the Principal & Interest of the French & Dutch Loans.....	46,401	12	00
For Contingencies, including Warrants & Drafts unpaid	11,689	3	9
For Military Department.....	7,799	2	6
For Commissions & Insolvencies.....	10,762	1	9
	£96,866	00	00

ALLEN JONES, Chn.

The Sub-Committee of Finance No. 1 report on the estimate of Taxes, Civil List, &c., for the year 1788, as follows:

Governor's Salary	£	750	00	00
Private Secretary		100	00	00
Secretary of State		100	00	00
Treasurer		500	00	00
Public Printer		500	00	00
Judges 120s per day for each day's attendance, sup- posing 8 Districts		2,880	00	00
Atto. General 80s per day, do.....		640	00	00
Comptroller		500	00	00
Delegates £64 p. mo.....		3,072	00	00
Council 25s p. day.....		100	00	00
Clerk to the Council 20s.....		20	00	00
Doorkeeper to do., 8s do.....		8	00	00
Members Assembly		11,044	00	00
		£20,214	00	00

Requisitions of Congress£46,401 12 00

Army department, viz:—

One year's pay£ 143 5 00

Clothing 955 17 6

Provisions and Forage..... 5,000 00 00

£ 7,799 2 6

£74,414 14 6

13,028,346 acres Land in 51 Counties—Nett Am't

of Tax.£ 17,099 14 4

82,875 Polls in 51 Counties, nett Am't of Tax.... 32,632 0 8

Town Property estimated at..... 728 00 00

Taxes in aid of Public Revenue—

Stud Horses, Carriage Wheels, Inport by Land,

Suits at Law. 3,800 00 00

Import by Water 11,929 10 00

£ 66,189 5 00

4,393,945 Acres Land on Cumberland which ought

to produce net.....£ 1,921 18 3

Concurred with by Committee of Finance.

(Signed.)

A. JONES, C.

Copy, Test:

ALD. THOMAS,

Ch'm to Committee of Finance.

Mr. Person, from the Committee, delivered in the following reports:

The Committee to whom was referred the petition of Daniel Colebreath report, that having taken the said Petition under consideration & examined the papers produced in support thereof, it appears that the said Daniel Colebreath contracted with Thomas Rutherford in the year 1774 for the Lands mentioned in his said Petition, for the sum of twenty-four pounds, and actually paid the money for the same, but never has had a deed of conveyance for said lands. It also appears that the said lands has since been sold by the Commissioner of Confiscated property for Wilmington District,

and that a grant has issued from the State to the purchaser thereof agreeable to Act of Assembly.

Your Committee are therefore of opinion that the said Daniel Colebreath be paid out of the public Treasury the sum of twenty-four pounds with interest, which amounts to forty-two pounds fourteen shillings and three pence.

All which is submitted.

THOMAS PERSON, Chm.

The Committee to whom was referred the representation and remonstrance of the members of the General Assembly for the County of Moore, report,

That on examining the several allegations in the said remonstrance set forth, supported by the testimony of Mr. Tison, a member of one of your honorable Houses, it appears that the said Philip Alston is guilty of part of the charges alleged against him, and from very strong circumstantial proof he is guilty of the whole of the charges against him; they are therefore of opinion he be suspended from the office of Justice of the Peace until he show cause to the contrary.

All which is submitted.

THOMAS PERSON, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

The Committee of Propositions & Grievances to whom the Memorial of Thomas Polk was referred report,

That in consequence of the surveyor of Mecklenburg County refusing to survey and return agreeably to Law, the lands in said County subject to sales under the Confiscation Laws, the Justices, or a part thereof conceiving they had sufficient authority, convened in the recess of the Court of said County and appointed the said Polk surveyor thereof, who, whereupon taking the oath necessary for the qualification of public officers, proceeded to the duties of his said appointment, and surveyed a number of tracts of Land which were knowing to him to be confiscated, and which the former surveyor had refused to do, alleging that many of his friends were concerned or interested in those Lands by entries and grants, and he could not proceed therein without wounding their interests. That the Court next after the appointment of the said Polk, reinstated the old sur-

veyor by which means his whole proceedings were vitiated, & he subject to the expense of making the surveys aforesaid, which he hath already paid or liable to pay, being specially bound for that purpose to the deputy surveyor, unless, relieved therefrom by the General Assembly.

Your Committee further represent that the said Thomas Polk under & by a Letter of Attorneys from Henry Eustace McCulloch, made sale of about thirty Tracts of Land, previous to the passing of any of the Confiscation Laws, the property of the said McCulloch, and actually gave his bonds for making Titles for the same, upon which in some instances suits have been commenced.

Your Committee in the latter case submit to the determination of the House whether an Act ought not to be passed empowering said Thomas Polk, to compleat the titles to the several Persons with whom he hath contracted for the said Lands, on their paying the sums due with Interest, & the same being paid into the public Treasury.

JOHN JOHNSTON, Chm.

The House taking the foregoing report into consideration, Resolved, That they do not concur therewith, but that the same be rejected, and that Mr. Coor, Mr. Galloway, & Mr. Irwin prepare and introduce a resolution on the subject matter thereof.

Mr. Macon presented the petition of the Inhabitants of the Town of Warrenton, which was read and referred to the consideration of the next Assembly.

Received from the House of Commons the resolution of this House directing the Committee of Claims with respect to allowances by them to be made on account of prosecutions that have been had or carried on for and on behalf of this State against Criminals. Endorsed, read and concurred with.

Received also the petition of Benjamin Sheppard. Endorsed, referred as by the Senate. And the Memorial of Joseph Cain. Endorsed, referred to Mr. Goudy, Mr. Bloodworth & Mr. Lewis; which being read was referred, on the part of the Senate, to Mr. Willis, Mr. Owen & Mr. Snaw and returned.

Received likewise a resolution of the House of Commons, declaring that the Clerks of the Superior and County Courts shall not be paid by the public for any services officially done on Indictments

or other criminal prosecutions; which being read was concurred with and returned. And the petition of James Carney. Endorsed, referred to the Committee on the Petition of Mr. Good; which was read, referred in like manner and returned.

Received likewise the Bill to amend an Act entitled "An Act to remove all disabilities from Simon Cleary and others therein named." Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the third time & returned.

Received likewise the resolution of this House of this day's date entered into in favor of James Green Lee. Endorsed, read and concurred with.

Mr. Johnston, from the Committee, delivered in the following report:

The Committee of Propositions and Grievances, to whom the Memorial of James Hamilton, of Sullivan County, was referred, report,

That on examining the said Memorial and believing the grievance complained of to be remediable only at common Law and by Jury, are of opinion and therefore recommend, as the only method of redress, an Act to be passed for the re-establishment of Courts in the Counties West of the Mountains, to-wit: Washington, Sullivan, Green and Hawkins.

JOHN JOHNSTON, Ch'm.

The House taking the foregoing report into consideration, Resolved, That they do not concur therewith, but that the same be rejected.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

At the particular request of the Hon'ble Alexander Martin, Esqr., his name is withdrawn from the Nomination for Governor.

Adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, 12th Dec'r, 1787.

The House met according to adjournment.

On motion, resolved, That the Treasurer pay to John Willis, Esquire, the sum of fifty-five pounds fifteen shillings and four pence due him from the Estate of John Kersey, whose property was confis-

cated and sold, and this shall be a sufficient Voucher in the settlement of his public accounts.

Sent for concurrence.

Ordered that the following Messages be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have amended the resolution of your House allowing the Members who shall attend the Convention on July next a certain sum, and send it for your concurrence.

Mr. Speaker & Gentlemen:

On a representation of the member for Robeson County, we now agree that William Tatham, Esquire, be commissioned a Lieutenant-Colonel for the same.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have amended the report of the Committee on the representation of Robert Fenner agreeable to your Message, & now return it to you concurred with.

Resolved, That Henry Irwin Toole be allowed the sum of Forty-five pounds for furnishing the present Assembly with Firewood, Seats, &c., that the Treasurer pay him the same and be allowed.

Received from the House of Commons the resolution in favour of John Willis, Esquire; the resolution allowing Henry Irwin Toole, Esqr., a certain sum; and the resolution on the subject of Bonds given for confiscated property to the agents of Henry Eustace McCulloch. Respectively endorsed, read and concurred with.

Mr. Person, from the Committee, delivered in the following report:

The Committee of Finance to whom were referred sundry papers respecting Indian Treaties, report,

That in pursuance of an Act of the General Assembly passed at Hillsborough on the 17th day of May, 1783, intituled "An Act for appointing an agent, and holding a Treaty with the Cherokee Indians and for other purposes," His Excellency Governor Martin, issued a warrant or warrants on the Treasury in favor of John G. & Thomas Blount to an amount of £2,500 for the purpose of purchasing Goods to be given to the Indians for *Lands to be ceded*; that Messrs. John

G. & Thomas Blount did purchase goods for the purpose aforesaid to the amount of £2,531,9.9 $\frac{3}{4}$, as appears by the Certificate of the Comptroller. That also, in pursuance of said Act, His Excellency Governor Caswell, did commission William Blount & Joseph Martin, Esqrs., to hold a Treaty with the said Indians on the Kiowee when the said Indians were about to convene for the purpose of holding a Treaty with the Commissioners appointed by Congress. That the Governor did issue warrants in favour of said William Blount for £1,000 to defray the expense of removing said goods and other incidental charges attending the Treaty with the said Indians, with instructions to transport the said goods so purchased, by water to Charleston and from there by land to Kiowee, there to be disposed of to the Indians for the purposes expressed in the said Act, (see His Excellency's instructions of the 24th August, 1785). That the said William Blount did put into the hands of John and Thomas Blount £900 with a request and instructions to them to ship the said goods to Charleston to Col. Vanderhorst, and to make provision for shipping corn and otherwise to raise hard money in South Carolina to enable him, the said W. Blount, to hold the Treaty at Kiowee as aforesaid. That the said John G. & Thomas Blount did dispose of the said £900 as follows, viz. :

For 6 Hogsheads rum	£227	9
23 kegs Hogs lard	38	2
150 bbls corn	150	
Freight of goods to Charleston.....	150	
A Bill of Messrs Ogden on Messrs. Owen & Thompson for 250 Dlls. hard money.....	150	
I. Marquee	33	
Commissions on the purchases, storage & shipping goods	37	8 6 $\frac{1}{2}$
Sundry Goods delivered William Blount over and above the £2,500 first put into their hands & for which the State is credited by him in their account, settled with the Comptroller	31	9 9 $\frac{3}{4}$
Freight 3 Hhds. rum returned from Charleston.....	4	16
	£822	5 4 $\frac{1}{4}$

Which being a balance in their hands of £77 14 7 $\frac{3}{4}$ and which Mr. Blount in his account makes himself debtor for. That the said

Goods, Corn, &c., were shipped by the said John G. & Thomas Blount to address of Arnoldus Vanderhorst at Charleston and did arrive there and were delivered to him; that the said Goods, with two Hogsheads of rum, were by order and direction of William Blount transported to Kiowee at the expence as follows, vizt.:

For waggonage from Charleston to Long Cane	£62	14	1/4
Specie, equal in curry.....	£	94	1 5
And for waggonage from Long Cane to Kiowee	£66	12	
Specie		99	18
For corn furnished the waggoners	£15 6,	Specie	22 19

Amounting in the whole to.....£216 18 5

That Mr. Vanderhost did dispose of the corn & Hoggs lard which netted £77 0 6 Sterling, equal to £130 0 2 Specie, dollars at 8 per cent, which he paid to said W. Blount, and which is equal to £198 0 3 paper Currency, and that he, W. Blount, did receive of Messrs. Owen & Thompson the amount of the Bill drawn on them by Messrs. Ogden equal to £150 currency, both which articles are charged to him on this account. That one Hhd. rum was stove and the rum lost in getting it into a waggon to transport it to Kiowee and the other three Hogsheads were reshipped to Washington by order of W. Blount, to address of John G. & Thomas Blount, who received and sold the same for nett amount of £84 7 1½ with which the said William Blount also stands charged in his account aforesaid.

That the goods aforesaid & the two Hogsheads of rum did not arrive at Kiowee before the 5th of December, 1785, which was — days after the Treaty had been concluded at Hopewell, on the Kiowee, between the said Cherokee Indians and the Continental Commissioners and at a time when the said Indians would not treat with the said William Blount & Joseph Martin, Commissioners of North Carolina.

That the said William Blount in whose care the goods solely was, then found himself at Hopewell aforesaid, without any instructions as to the disposition of the Goods and the Indians as aforesaid having refused to treat, did dispose of said Goods & Rum as follows, vizt.:

To Bryan Ward, goods to amo't.....	£1,333	3	10
To do. one Hhd. rum, quantity not ascertained for			

want of a gauging rod, supposed 100 Galls. at 1¼			
Dolls. p. Gall.	35		
To George Ogg, goods as aforesaid to amount of.....	39	15	9
And one Hhd. rum, supposed 100 Galls.....	35		
To Wm. Blount, goods as aforesaid to amount of....	145	9	9

Amounting in the whole to.....£1,588 9 4

That he hath charged a Commission of 5 per cent. on Sales of Goods to Ward £66 13 2, which leaves a balance of nett sales £1,521 16 2.

That from the foregoing State of facts the Committee have raised two amounts, the first of which is Indian Treaties in account with the State of North Carolina, by which it appears there is a balance in favour of the State to amount of £776 8 10¼ gained. The other is William Blount, Commissioner of Indian Treaties in account with the State of North Carolina, on which he stands charged with sundries including the goods with which he has debited himself at Hope-well, on Kiowee, to amount of.....£1,806 9 6
And is credited by sundries..... 1,210 11 10½

Which leaves a balance of.....£ 595 17 7½
due to the State from him. That it appears to the Committee 4 Hoghds. of Deer Skins have been paid by Bryan Ward in part of his purchase, into the hands of George Ogg, who shipped them to New York for and on account of this State, agreeably to his instructions from William Blount for that purpose, that they arrived safe in New York and were then sold by order of Wm. Blount for account of this State by John Ramsay, the three first Hhds., which arrived netting £187 9 2, and the fourth £44 10. That the money arising from the sales of the first three was, by order of said Wm. Blount, principally laid out in seven Chests best Hyson Tea, the weight not ascertained, and shipped from New York to address of Mr. Henry Toomer at Wilmington, with directions not to sell the same for a less price than 24 per cent. per pound for the benefit of the State. That the money arising from the sales of the 4th Hogshd. was laid out, by order as aforesaid, in 12 pieces of Irish linen & shipped to New Bern on account and risque of this State, addressed to Messrs. John G. & Thomas Blount, with instructions to sell the same for the

benefit of the State, which linen now remains unsold in the hands of Mr. Abner Neale of New Bern.

Your Committee are therefore of opinion that the said William Blount, as Commissioner of Indian Treaties, is chargeable with the sales of goods and rum to Mr. Ward and Mr. Ogg amounting to £1,442 19 7 Sterling, no Law having passed to justify him in making such sales, and that he be allowed until the meeting of the next General Assembly to settle and account for the same, and that the Treasurer and Comptroller be directed to conduct themselves in respect of the premises accordingly.

All of which is submitted.

20 Decr., 1787.

THOMAS PERSON, Ch'm.

WEDNESDAY, 12th December, 1787.

The House met according to adjournment.

Mr. Allen Jones, from the Committee of Finance No. 3, reported as follows:

That they have examined the accounts of John Whitaker, Esquire, late Commissioner for purchasing Tobacco at the Town of Halifax, whereby it appears that he hath drawn from the public Treasury on Warrant from the Governor Ten thousand pounds.

That he hath received for sales of two Hogsheads of Tobacco, Fifty-nine pounds Eight Shillings and Six Pence; and for sales of five Hogsheads of Tobacco, refused on reinspection, Sixty-one Pounds Sixteen Shillings & Six Pence; amounting on the whole to Ten Thousand One Hundred & Twenty-one Pounds Five Shillings.

That he hath purchased of Sundry Persons, agreeably to his account & Vouchers rendered, Three Hundred and Twelve Hogsheads of Tobacco containing Three Hundred and Fifty-six Thousand Nine Hundred & Thirty-two pounds nett, which at Fifty Shillings per Hundredweight is Eighty Thousand Nine Hundred & Twenty-three Pounds Five Shillings.

That he hath paid expenses of Freight, Storage, reinspection, re-prizing, coopering and sundry incidental charges, nine hundred and ninety-eight pounds one shilling.

And that his commission at two and a half per cent amount to two hundred and fifty pounds, the whole amount of which is Ten thousand One Hundred & Seventy-one pounds 6sh. and which leaves a balance of Fifty pounds One Shilling. They have also examined his

statement of the application of said Tobacco which is as follows, vizt. :

Three Hundred and Twelve Hogsheads weighing nett Three Hundred and Fifty-six Thousand Nine Hundred and Thirty-two pounds weight. Three Hundred & Three Hogshead reinspected and delivered to the agent of Constable, Rucker & Company, as per receipts, Three Hundred and Twenty-four Thousand Five Hundred & four pounds, Five Hogsheads condemned. Four Thousand Nine Hundred and Forty-six pounds, two ditto, sold to Mr. Mair & Mr. Hill. Two Thousand Three Hundred and seventy-six pounds weight, two ditto, not to be found in the Warehouse, the notes for which are in his hands; two thousand and eighty-four pounds weight. Nett amount three hundred and thirty-three thousand nine hundred and eleven pounds.

Three Hundred and Twelve Hogsheads reinspected and delivered on which a loss is sustained to amount of Twenty-three Thousand and twenty-one pounds weight.

Your Committee are therefore of opinion that Mr. Whitaker hath executed the trust reposed in him with integrity & that the balance of Fifty pounds one Shilling which appears to be due him ought to be paid by his taking and receiving at his own risque in full discharge of said balance, the said two Notes for two Thousand and Eighty-four pounds of Tobacco which appear to have been lost or misplaced in the Ware House at Halifax, & for which the Inspectors at said Ware House are accountable, and that he lodge his account so balanced in the office of the Comptroller. All which is submitted.

S. CABARRUS, Chr. Sub. Com. No. 3.

Agreed to by the Committee on Finance.

ALLEN JONES, Ch'm.

The House taking the foregoing report into Consideration, Resolved, That they do concur therewith.

Received from the House of Commons a Bill authorizing and requiring the Sheriffs of the several Counties in this State to bring suit or take in possession, receive and make sale of all property left by the British in this State during the late War. Endorsed, read the first time & passed.

Ordered that this bill be read, which being read was passed the first time in this House & returned.

Mr. H. Williams moved for leave and presented a Bill to empower

the Wardens of the poor for the County of Currituck, to lay a Tax to enable them to settle their arrears due from the said County to Persons who have supported the poor, which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Bill for the more speedy determining disputes that hath arisen or which may hereafter arise from erecting Mill Dams in the several Counties in this State. Endorsed, read the first time & passed. Also a Bill directing the mode of tryals upon impeachments. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read each was passed the first time in this House & returned.

Mr. McCawley presented the petition of a number of the inhabitants of the Counties of Halifax and Warren, praying that Benjamin McCulloch now in Halifax Gaol may be released from confinement.

Whereupon, the House resolved as follows:

Whereas, it appears that Benjamin McCulloch has, in consequence of a Judgment & sentence against him passed at Warrenton at a Court of Oyer & Terminer in January last, paid the sum of Four thousand pounds and has been nearly twelve Months imprisoned, and it has been petitioned by a number of respectable Citizens that the remainder of his imprisonment should be remitted.

Wherefore resolved, That His Excellency the Governor, be and he is hereby requested and authorized to issue and grant a pardon to the said Benjamin McCulloch, so far as regards his imprisonment, remitting and pardoning the remainder of the said imprisonment.

Mr. Allen Jones presented the Petition of Martha Mitchell, relict of Theophilus Mitchell, late a soldier in the Continental Line of this State; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the following Bills, to-wit.:

A Bill directing the duty of Naval officers and of all Masters of Vessels coming into any of the Ports or Inlets of this State; A Bill for erecting the Counties of Davidson & Sumner into a District and for appointing an assistant Judge & Attorney General; A Bill for levying a tax in the County of Brunswick for the purpose of building a Gaol therein; and the Bill to erect and establish a Town in

Rutherford County on Land already secured by the Commissioners for the purpose of building a Court House, Prison & Stocks for the said County, and to amend an act to regulate the Town of Salisbury. Respectively endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the Bill respecting the duty of Naval officers & the last mentioned Bills were passed the second time in this House, and the two former the first and returned.

On motion, Resolved, That His Excellency the Governor, be requested and impowered upon the application of any or all of the prisoners now in Halifax Gaol on account of the Judgment of the Court of Oyer & Terminer at Warrenton, and setting forth and satisfying His Excellency the Governor that he or they have complied with and satisfied the Judgment of the Court by paying the fine or fines and giving the security required by Law and praying relief from the remainder of their imprisonment, to issue a pardon to said Person or Persons as far as relates to their imprisonment, by pardoning the remainder thereof.

Sent for concurrence.

Received from the House of Commons the Bill to extend and amend an Act entitled "an Act to pardon and consign to oblivion the offences and misconduct of certain persons in the Counties of Washington, Sullivan, Greene and Hawkins. Endorsed, read the second time & passed; and the Bill to impower the Court of Pleas and Quarter Sessions in the County of Perquimans to lay a tax for the purpose of repairing the prison and building the Gaoler's House in the County aforesaid. Endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each was amended, passed the second time and returned.

Received also the Bill to repeal part of an Act entitled "an Act to impower the several Courts therein mentioned to lay a tax annually, not exceeding three years, for the purpose of erecting and repairing the Court House, Prison & Stocks in each County when necessary, & for defraying the contingent charges of the Counties. Endorsed, read the second time and passed.

The Bill to settle the Title & bounds of Lands, and the Bill directing the method which shall be observed in future for the better regulating the Division and addition of Counties & fixing the public buildings in the same, & to prevent unfair practices from taking

place in Divisions, addition & removal of public buildings. Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the third time in this House and returned, & the two latter rejected.

Received likewise the report of the Committee in favour of Peter Goodwin, of Franklin County. Endorsed, read and concurred with.

Received likewise the Bill for making process in Equity effectual against Persons who abscond and who reside without the Limits of the State, and for better regulating the proceedings in Courts of Equity. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read was amended, passed the third time in this House and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We herewith transmit to you an address this day handed into the Commons from His Excellency the Governor, on the subject of certain pardons lately granted to condemned Persons, requesting an inquiry into his conduct and the motives thereof in granting the said pardons, which we propose referring to a joint Committee who shall report thereon on Friday next. We have appointed on our parts Mr. Davie, Mr. Polk & Mr. Hargett.

The foregoing being read, it was ordered that Mr. Person, Mr. Jones & Mr. Hargett act on the part of this House for the above mentioned purpose, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have received your Message inclosing an address from His Excellency the Governor, & proposing that it be referred to a joint Committee to which we agree, and have appointed Mr. Person, Mr. Hargett & Mr. Jones on the part of this House, to act with the Gentlemen by you named.

Adjourned till 4 o'clock P. M.

The House met.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We are now ready to proceed on the balloting as heretofore agreed

on, and have appointed Mr. Person & Mr. Galloway to superintend the same on the part of this House.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have appointed Mr. Cabarrus & Mr. Franklin to superintend the balloting & are now ready to proceed with that business.

Mr. Person, from the Committee, delivered in the following reports:

The Committee to whom the Petition of the Inhabitants of Rowan County was referred, report,

That having taken the said Petition under consideration and minutely inquiring into the matters therein contained, It appears from the information of the Members of the said County, that in the year 1782 a number of the Inhabitants of the said County of Rowan purchased at a sale of the Commissioner of Confiscated property, Lands therein situate; the conditions of which sales were two-thirds of the purchase money to be paid down in Currency Certificates at the rate established by Law, the other third in Money, with Interest, at the expiration of five years which time is now expired. It also appears that a number of the purchasers of said Lands are Persons in indigent circumstances, & from the very great Drouth in that part of the Country the Crops of last year are scarcely equal to the support of their own Families whereby the urging the payment of said Debts at this time will, in the opinion of your Committee, be of very injury to the said Petitioners and of little service to the public.

Your Committee are desirous of relieving the distressed as far as is consistent with justice and do recommend the following resolve, vizt.:

Resolved, That the Treasurer be and he is hereby directed not to institute any suit or suits on any Bonds given by any of the Inhabitants of Rowan County, in consequence of any purchase made by them of Confiscated property, sold in the year 1782 by the Commissioners of Confiscated property at five years credit, until the meeting of the next General Assembly.

All of which is submitted.

THO. PERSON, Ch'm.

Your Committee to whom the representation of James Glasgow, Esquire, Secretary of the State, was referred, report,

That on examining the said representation and the several papers produced in support of the same, it appears that in the year 1782, Thomas Burke and James Hogg, Trustees of Hillsborough Academy, became purchasers of a piece of Land joining the Town of Hillsboro containing one Hundred and forty-three Acres sold by the said Commissioner of Confiscated property as such, that the said Purchasers held out that they were purchasing said Lands for the use and benefit of the said Academy; from which declaration, knowing them to be Trustees as aforesaid, persons who actually inclined to bid for said Lands declined from a motive of encouraging the Academy, whereby the Lands sold for the sum of sixty-one pounds. That the said Lands have never been appropriated by the said purchasers for the purposes for which, as held out, they intended it; but on the contrary they have attempted to obtain a Grant in the usual form in their own names and to their own use and behoof. It also further appears by a Certificate from the Treasurer, that the said Thomas Burke and James Hogg never have paid the purchase money, neither have they given Bond as the Law directs; that Col. Archibald Lytle, present Commissioner of Confiscated property for the district of Hillsborough, has since sold the said Lands conceiving that it was subject to be sold on account of the apparent defeat of the first sale & that John Taylor became the purchaser and actually paid therefor the sum of one thousand pounds in specie Certificates.

Your Committee are therefore of opinion that the Governor be directed to issue a Grant for the aforesaid Lands in favour of the said John Taylor, agreeably to the returns of the present Commissioner of Confiscated property for the District of Hillsborough.

All of which is submitted.

THO. PERSON, Ch'm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the report of the Committee on the petition of Daniel Colebreath, and the report on the remonstrance of the Members of Moore County. Endorsed, read and concurred with.

Also a resolution in favour of Thomas Ryan Butler, late an officer of the State Legion, which was read and concurred with and returned.

Received likewise the following Bills, to-wit.:

The Bill for the better regulation of the Town of Fayetteville;

The Bill granting the Inhabitants living on the South East side of Mecklenburg County a privilege of holding a separate election for Members of the Assembly, and to repeal an Act Intituled "an Act for the removing the public buildings of Mecklenburg County from Charlotte to the center of the said County;"

The Bill for promoting the Navigation of Albemarle Sound, and the Bill to enable the County Courts to appoint Commissioners to keep open rivers and Creeks at their several Falls, so far as they think necessary, for the passage of Fish up the same. Respectively endorsed, read the third time and passed.

Ordered that these Bills be read, which being read were severally passed the third time in this House and ordered to be Engrossed.

Received likewise the Bill to establish an Inspection of Tobacco at Murfreesborough. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

On the representation of the Gentlemen appointed to punch the Governor's Warrants and to burn the Certificates granted by the General Assembly to their Members and officers, we conceive it to be improper to burn those Certificates as they are necessary for the Treasurer as Vouchers in the making up his accounts with the Comptroller. We therefore propose that these Certificates, as well as Governor's Warrants & resolutions of the Assembly directing the payment of money now in the possession of the Treasurer, be all of them punched as directed by our former Message to you on this subject.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the Certificates, Warrants & resolutions of Assembly directing the payment of Money now in possession of the Treasurer, be punched through as by you proposed.

Received from the House of Commons a resolution directing that the Original Copies of Acts passed at this Assembly be delivered to the Secretary of State; and a resolution directing Treasurer as to

the manner of punching the Warrants, resolutions, &c., so as to prevent their circulation; which was read, concurred with and returned.

Received also the report of the Committee on Finance; and the report of the sub-Committee of Finance No. 3, on the accounts of John Whitaker. Each endorsed, read and concurred with.

Adjourned till 10 o'clock To-morrow Morning.

THURSDAY, 13 December, 1787.

The House met according to adjournment.

Mr. Allen Jones presented the Memorial of Edmund Blount, Esquire, of Chowan County; which was read, referred to the Committee appointed on Judge Ashe's Memorial & sent to the House of Commons.

On motion, ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is the sense of this House that the place yet to be made choice of for the setting of the next Assembly be ballotted for at 4 O'clock this afternoon.

We also propose that a Council of State be balloted for at the same time, and nominate Charles Johnston, John Mair, Thomas Eaton, John Faulcon, Nathaniel Macon, Josiah Collins, John Johnston, John Skinner, Sam'l Strudwick & Edward Everagin.

Received from the House of Commons a Letter from Robert Fenner. Endorsed, referred to the Committee on Finance, & that they be directed to report on Friday next; which being read was referred in like manner and returned. Also the petition of Martha Mitchell. Endorsed, referred as by the Senate.

Received likewise a Resolution of the House of Commons in favour of John Simpson, Esqr., and the resignation of William Cherry and John Ballinger, the former a Justice of the Peace for the County of Bertie, and the latter for Guilford; which being read, the resolution was concurred with and the resignation accepted and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

The Honourable Samuel Johnston being elected Governor of this State for the ensuing year, it is proper he should attend this Assembly and be qualified into his office. We therefore propose that the

Speakers of the two Houses be requested to inform him of his election and desire his attendance for the above purposes.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is also our opinion that Samuel Johnston, Esquire, qualify immediately to his late appointment, and concur with you in a request that the Speakers give him immediate information thereof.

Mr. Allen Jones presented the Petition of Colonel Hardy Murfree, Commissioner of Confiscated property; which was read, referred to the Committee appointed on Judge Ashe's Memorial & sent to the House of Commons.

Received from the House of Commons the Bill to impower the County Courts to proceed in certain cases, as therein directed; and the bill directing the Clerks of the several Courts of record within this State as to their duty in office, with respect to the issuing of writs. Each endorsed, read the second time, amended & passed.

Ordered that these Bills be read, which being read the first was passed the third and the last the second time in this House & returned.

Received also the Bill for hiring out persons convicted on indictment or presentment and not being able or willing to pay the fine or fees of office. Endorsed, read the first time and passed. And the Bill to repeal an act passed at Fayetteville the 19th Day of Nov., 1786, Intituled "an Act for raising Troops for the protection of the Inhabitants of Davidson County." Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the first was passed the second time in this House and returned, and the last rejected.

Received likewise the Bill to prevent the obstructing Fish from running up the streams and Water Courses in Bertie County, and to clear the Navigation thereof. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and ordered to be engrossed.

Mr. Gallaway and Mr. Person, appointed on the part of this House

to superintend the balloting for a Governor, &c., reported as follows, to-wit.:

That having executed the Trust in them reposed on casting up the scrolls find that Samuel Johnston, Esquire, is elected Governor of this State for the current year by a Majority of Votes.

That Mr. John Haywood, Esquire, is made choice of as public Treasurer.

That Thomas Eaton, Esquire, is appointed Brigadier General for the District of Halifax; Joseph Martin, Esqr., Brigadier General for the District of Washington, & that no place appears to have a Majority of votes for holding the next Assembly.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Bill to alter the mode of Taxation on Lands by arranging the Lands within this State into classes as therein directed. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read a motion was made and seconded, that it be rejected. This being objected to and question called for and taken, was carried in the affirmative; whereupon, on motion of Mr. Miller, seconded by Mr. Person, Ordered that the Yeas and Nays be taken on this question, which are as follows, to-wit:

For the passage of the Bill—Mr. Mayo, Mr. Overton, Mr. Lane, Mr. Ramsay, Mr. Hill, Mr. Boon, Mr. McCawley, Mr. Moore, Mr. Lenoir, Mr. Bledsoe, Mr. Berger, Mr. Person, Mr. Kenan, Mr. McAllister, Mr. Irwin, Mr. Robinson, Mr. Martin, Mr. Miller, Mr. Crawford, Mr. McDowall, Mr. Gallaway, Mr. Kennedy—22.

Against the passage of the Bill—Mr. Battle, Mr. J. Williams, Mr. Ab. Jones, Mr. Allen Jones, Mr. Skinner, Mr. Harrington, Mr. Coor, Mr. Johnston, Mr. H. Williams, Mr. Gregory, Mr. Jordan, Mr. Clinton, Mr. Long, Mr. Macon, Mr. Hendley, Mr. Relfe, Mr. Easton, Mr. Owen, Mr. Reddick, Mr. Willis, Mr. Mitchell, Mr. Hargett, Mr. Mooring, Mr. Wynns and Mr. Shaw—25.

So the Bill was rejected.

Read sundry depositions relative to the conduct of Henry Spears, a Justice of the Peace for the County of Surry; whereupon,

Resolved, That the said Henry Spears be and he is hereby suspended from the exercise of his said office until the end of the next

Session of Assembly, or until he shall show cause wherefore this suspension should not be confirmed.

Received from the House of Commons the Bill to amend an Act to encourage the building of public Mills and directing the duty of Mills. Endorsed, read the first time and passed.

And the Bill to prevent thefts and robberies by Slaves, Free Negroes and Mulattoes. Endorsed, read the third time and passed.

Ordered that these Bills be read; which being read the former was amended, passed the second time and returned, and the latter the third and last time & ordered to be Engrossed.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We agree to your Message proposing to ballot at 4 o'clock this evening for the place of holding the next Assembly & for a Council of State; in addition to the persons by you named for Councillors we have inserted the following Names, vizt.: Willie Jones, John Kinchin, Whitmill Hill, Charlie Johnston, James Sanders, Maxwell Chambers, William Hooper, Thomas Brown, Henry W. Harrington and William Littlejohn.

Adjourned till 4 o'clock.

The House met according to adjournment.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that a joint Committee, to consist of five Members from each House, be appointed in order to agree upon and adopt some general mode that shall in future be observed between the two Houses of the General Assembly on the passage of the Bills, particularly on the last reading; and that such Committee shall report to-morrow. We have for this purpose on our part, appointed Mr. Spaight, Mr. Davie, Mr. Bloodworth, Mr. Hawkins and Mr. Polk.

The foregoing being read, it was Ordered that the following message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

Mr. Allen Jones, Mr. Skinner, Mr. Coor, Mr. Lenoir and Mr. Galaway will act with the Gentlemen by you appointed for the purpose

of preparing rules to be observed by the two Houses for amending and passing Bills by Message.

Mr. Johnston, from the Committee, delivered in the following reports, to-wit. :

The Committee of Propositions and Grievances to whom the Memorial of Edward Bridgen, of the City of London, Merchant, was referred, report,

That the said Edward, by Act of the General Assembly passed in December, 1785, was impowered to take into his possession all his Estate (unsold) which had been confiscated; and where sales had been made to receive the purchase money, or the obligations taken for securing the payment thereof.

That among other things the said Edward claimed, under a Will of his late sister Elizabeth Catharine DeRossett, a House and Lott in the Town of Wilmington, which were sold previous to the passing of the aforesaid Act, and the Certificates lodged in the Comptroller's office.

That Certificates ceasing to be an Article of Traffic, he prays that in lieu thereof he may be authorized to receive and draw from the Treasury the sum of six hundred pounds, the valuation of the said House and Lott as per Certificate herewith presented.

The Committee considering the premises are of opinion that the operation of that Law ought not to be so diverted as to enable him to draw the aforesaid sum in actual money; therefore Resolved, That the said petition be rejected.

JOHN JOHNSTON, Chm.

The Committee of Propositions and Grievances, to whom the recommendation of Chatham Court in favour of Lieutenant John Kendrick was referred, report,

That on the night of the 30th of September, in the year 1781, the said Kendrick in an action with a party of the British and Tories, received a wound in his breast, which will fully appear, recourse being had to the Certificate of General Butler herewith presented. That agreeable to the Act of Assembly, passed in the year 1785, he applied to the Commissioners of Hillsborough District for such an allowance as they conceived he might be entitled to by virtue of said Act, as an Invalid; who refused to make any such allowance, suggesting they were not warranted so to do by the Law aforesaid.

Your Committee taking these facts into consideration, and being fully satisfied that the said Kendrick is rendered totally incapable of labour by the wound aforesaid received in defence of his Country, are of opinion that he comes under the description of invalids by the act aforesaid; wherefore,

Resolved, That the Commissioners of Hillsborough District order him such relief annually, to commence from the passing of the said Law, as they may conceive him entitled to in consequence of said wound.

JOHN JOHNSTON, Ch.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. McCawley presented the petition of Elizabeth Williams, widow and relict of William Williams, Deceased, late an officer in the Continental line of this State; which was read, referred to the Committee appointed on the Memorial of Judge Ashe, and sent to the House of Commons.

On motion, ordered that Mr. Lane have leave to absent himself from the service of this House after Friday next, and that Mr. Easton have the like permission after Saturday next.

Adjourned till To-morrow Morning 10 O'clock.

FRIDAY, 14th December, 1787.

The House met according to adjournment.

The Speaker laid before the House a Letter from the Honorable Benjamin Hawkins, Esquire; which was read, referred to the Committee of Finance, and sent to the House of Commons for their concurrence in such reference.

Received from the House of Commons the Memorial of William Blount, Esquire. Endorsed, referred on the part of this House to Mr. Wynns, Mr. Franklin & Mr. Polk; which being read was, on the part of the Senate, referred to Mr. Gallaway, Mr. Person & Mr. Clinton, and returned.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We propose that a joint Committee be appointed to consider of and report what alterations, if any, are necessary to be made in the

present Constitution of this State at the intended Convention, and have appointed on the part of this House for the above mentioned purpose, Mr. Gallaway, Mr. Coor, Mr. Person, Mr. Skinner & Mr. Hill.

On motion, Resolved, That in pursuance of the report of a joint Committee, concurred with by both Houses of the General Assembly, the public Treasurer be and he is hereby required to pay unto Peter Goodwin, of Franklin County, the sum of seven hundred and five pounds fifteen shillings out of the monies collected for the year One Thousand Seven Hundred and Eighty-seven, and for which this shall be a sufficient Voucher in the settlement of his public accounts.

Sent for Concurrence.

Received from the House of Commons the resolution of this House entered into in favour of the State Prisoners. Endorsed, read and concurred with. And the petition of Micajah Thomas. Endorsed, read and referred to the Committee appointed on the Memorial of Judge Ashe; which being read was referred in like manner & returned.

Received likewise the Bill to ascertain the Sheriff's Fees within this State. Endorsed, read the first time & passed. And the Bill to effect the cutting and clearing a road from the lower end of Clinch Mountain to the Cumberland Settlements, and for preserving peace and granting safety to the Inhabitants thereof. Endorsed, read the second time and passed. Also the Bill for erecting the Counties of Davidson and Sumner into a District and for appointing an assistant Judge & Attorney General. Endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read the Bill ascertaining Sheriffs fees was passed the second, and the Bill for cutting and clearing a road, &c., the third time in this House and returned; and the Bill for erecting a District Court in Davidson County was laid over until the next Assembly.

Mr. Gallaway and Mr. Person, appointed on the part of this House to superintend the balloting for a Council of State and the place at which the next Assembly shall be held, report as follows, to-wit.:

That having executed the trust in them reposed they find on casting up the scrolls, that Willie Jones, Charlie Johnston, Whitmill Hill and John Kinchin, Esqrs., were elected Councillors of State by a ma-

jority of Votes, and that Fayetteville was made choice of as the place at which the next Assembly shall be held.

The House taking this report into consideration, Resolved, That they do concur therewith.

Mr. Gallaway, who had leave to withdraw for amendment the Bill to vest the Title of a certain Tract of Land therein mentioned in John Johnston, returned the same; which was read with the amendments, passed the second time in this House and sent to the House of Commons.

Received from the House of Commons the Bill to amend an Act intituled "an Act to bring to condign punishment and to secure their Estates so far as to be answerable to the public, the persons therein described accused of certain Crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious Suits and prosecutions, and to establish a Board for the further detection and further discovery of the said fraudulent practices, and for settling and liquidating the accounts of the officers and Soldiers of the Continental Line of this State; to give the public a further security and to relieve the creditors of persons who have been presented or indicted in consequence of the said Act." Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was amended, passed the second time in this House and returned.

Mr. McCallister presented the Petition of Daniel Shaw, of Cumberland County; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons a Resolution requesting the Delegates of this State, late in Congress, to lay before the Assembly the present State and circumstances of the Union. And a resolve empowering the Chairman and Six Members of the Committee of Finance to do business; each of which being read was concurred with and returned.

Mr. Miller, from the Committee, delivered in the following report:

Your Committee to whom was referred the Memorial of Stephen Moore on the subject of a Bond for fifty-four pounds ten shillings by him given as a servant of the public, bearing date the 14th December, 1781, and made payable to the Governor of the State for the time being, which bond having since been put in suit and a verdict

thereon obtained against him in the Superior Court for the District of Hillsborough in his private capacity. That the same being done in consequence of an order of the Governor of that date to us now addressed, accompanied with satisfactory Testimony establishing the other facts in his Memorial set forth, beg leave to recommend that the following Resolve be passed ;

Whereas, Stephen Moore, late Deputy Quarter Master General of this State, in obedience to an order of the late Governor Burke, hired several public Negroes (whom the Law required should be hired out) and employed them in the service of the State. And whereas, the said Stephen Moore gave his Bond with security to the Governor for the Time being, for the payment of the sum of fifty-four pounds ten shillings, the amount of the hire of the said Negroes, and the said bond being put into suit and Verdict thereon given against the said Stephen Moore for the aforesaid sum of fifty-four pounds Ten Shillings with cost in the Superior Court of Law & Equity for the District of Hillsborough at the last October Term,

Wherefore resolved, That Stephen Moore be and he is hereby released from the payment of the aforesaid sum of fifty-four pounds Ten Shillings and all costs thereon attendant; and the Clerk of said Court take Order to stop all further process thereon, and that this resolution be entered of Record in said Court.

All of which is submitted.

JAMES MILLER, Chm.

The House, taking the foregoing report into consideration, Resolved, they do concur therewith.

On motion, ordered that Mr. Person have leave to withdraw for amendment the Bill to amend and explain the true meaning of the several Acts of Assembly heretofore passed for giving further time to Surveyors within the different Counties to make their Surveys and return plotts thereof to the Secretaries office, and more especially of an Act passed at New Bern in the year 1785, intituled "an Act to amend an Act intituled an Act for opening the Land office, and other purposes, and granting a further time for the Registration of Deeds and Grants therein described."

Mr. Macon presented the claim of James Miller, Esquire, for victualing Indian Prisoners; which was read, referred to the Committee of Claims & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to ballot at 4 o'clock To-morrow evening for four Members of the Council yet to be Elected, and that the five Gentlemen who had the greatest number of Votes on the last balloting be in Nomination for Councillors. We propose also that six Persons be Elected at the same time to represent this State in the Congress of the United States for the ensuing year, and two for the present year to supply the places of the Honble Alexander Martin and Timothy Bloodworth, Esquires, resigned; and for a Judge of the Court of Admiralty for port Beaufort. We nominate for Delegates for the ensuing year James White, John Stokes, J. B. Ashe, Robert Burton, Stephen Moore, Hugh Williamson, Benjamin Hawkins, Joseph McDowall, H. W. Harrington, William Tatham, John Swann and Thomas Polk, Esquires. Delegates for the present year Robert Burton, Hugh Williamson, John Stokes, Henry Wallers, Esquires; for a Judge of the Court Mercantile and Maritime for Port Beaufort, John Hawkins, Esquire.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to ballot at 4 o'clock this afternoon for the Councillors of the State yet to be made choice of. For Delegates to represent this State in Congress the ensuing year and to supply the places of those resigned, and for a Judge of the Court of Admiralty for Port Beaufort. We approve of the whole of your Nominations.

We also propose that a Judge for the Court of Admiralty be now appointed for the Port of Swansborough & nominate to that office Robert Snead.

Mr. Johnston presented the resignation of John Macon, Esquire, as first Major of the regiment of Horse in Halifax District; which was read, accepted of and sent to the House of Commons:

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

It is the opinion of this House that the Witnesses who attended in behalf of the State, at the Court of Oyer and Terminer lately held at Warrenton, and all such as have attended any of the Superior

Courts on similar business should be allowed for their attendance and Travelling expenses by the Committee of Claims, and the Certificates expressing the sums allowed for such service shall entitle them to draw money out of the public Treasury.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that those persons who attended the Court of Oyer held at Warrenton as Witnesses in behalf of the State, or at any of the Superior Courts, be paid out of the public Treasury.

Mr. Coor, from the Committee, delivered in the following report:

Your Committee appointed to prepare and introduce rules to be observed by the two Houses in future, in amending and passing Bills on the third and last reading by Message, recommend the following Resolution as declaratory of their rights;

Resolved, That each House shall pass freely on any Bill either in rejecting or passing the same, notwithstanding any amendments assented to by the other House after the Bill had been passed there for the third and last time.

JAMES COOR, Chm.

The House taking this report into consideration, Resolved, they do concur therewith.

Received from the House a Resolution allowing Thomas Benbury, Esquire, a certain sum therein mentioned; which being read was concurred with & returned.

Read the Memorial of Silas W. Arnett & Isaac Blanchard, Administrators of Andrew Blanchard, deceased.

Whereupon Resolved, That the Treasurer delay issuing any precept or suit in behalf of this State against the Administrators of Andrew Blanchard, dec'd, until after the meeting of the next Assembly, in order that they may have time to settle their accts. of the said deceased with the Comptroller, according to Law.

Sent for Concurrence.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

On examining the balloting for the Council of State we find that John Kinchin, Esquire, was Elected a Member by a Majority of

the Votes of both Houses of the Genl. Assembly. We therefore propose that only three Members be yet Elected, instead of four, as by this House proposed on yesterday.

Received also the Bill directing the mode of Tryals upon impeachments. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise the Petition of Eliza Williams, and the Petition of Hardy Murfree. Each endorsed, read and referred as by the Senate.

And the report of the Committee on the recommendation of the County Court of Chatham in favour of John Kendrick, & the report on the Memorial of Edward Bridgen. Endorsed, read and concurred with.

Received likewise the following resolution of the House of Commons:

Whereas, it has been represented to the General Assembly and confirmed by several depositions, and those of record, and by the Testimony of the Sheriff who was present at the Tryal, that Thomas Vail, of the County of Chowan, has been indicted in the Superior Court of Law & Equity for the District of Edenton for forging and publishing, knowing to be forged, in November 1786, an obligatory Note, and that on the tryal of the said Indictment the Jury found him not guilty, yet by some accident the said Verdict was recorded as guilty of passing it knowing to be forged. And whereas, it appears that the said Vail has heretofore supported a fair and unblemished character,

Resolved, That it be recommended to his Excellency the Governor, to issue and grant full and ample pardon to the said Thomas Vail for the Crime or Crimes aforesaid; and that it be recommended to the Attorney General to enter a *Nolle prosequi* on the same charge.

On reading and concurring with the foregoing resolution, it was moved and seconded that it be rejected; this being objected and question taken thereon, it was carried in the negative.

Whereupon, on motion of Mr. Lenoir, second by Mr. Miller, Ordered that the Yeas and Nays be taken on this question, which are as follows, to-wit.:

For concurring with this resolution—Mr. Mayo, Mr. Sheppard,

Mr. Ramsay, Mr. Harrington, Mr. Boon, Mr. Mooring, Mr. McCawley, Mr. Johnston, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Bledsoe, Mr. Winston, Mr. Clinton, Mr. Berger, Mr. Person, Mr. Kenan, Mr. McCallister, Mr. Irwin, Mr. Robinson, Mr. Hendley, Mr. Relfe, Mr. Easton, Mr. Martin, Mr. Owen, Mr. Willis, Mr. Gallaway, Mr. Hargett, Mr. Wynns & Mr. Smaw—30.

For rejecting this resolution—Mr. Battle, Mr. Griffin, Mr. John Williams, Mr. Skinner, Mr. Coor, Mr. Overton, Mr. Lenoir, Mr. Long, Mr. Macon, Mr. Reddick, Mr. Miller, Mr. McDowell, Mr. Mitchell & Mr. Kennedy—13.

So the resolution was concurred with and returned.

Mr. Johnston, from the Committee, delivered in the following report:

Your Committee of Propositions and Grievances to whom was referred the Petition of James Christian of Chatham County, report, That said James was a Soldier in the Continental Line of this State, was wounded in the service and discharged in the year 1778; that he applied, under a resolve of the last Genl. Assembly in his favour, to the Commissioners who granted him a Certificate of allowance from the date of the said resolve.

Your Committee taking these facts into consideration are of opinion that the said James is entitled to an allowance as an Invalid from the passing of this Law for the Establishment of the Commissioners in the year 1785. Wherefore, Resolve, That the Commissioners of Hillsborough District grant him a Certificate accordingly.

JOHN JOHNSTON, Chm.

The House taking the foregoing report into consideration, Resolve, That they do concur therewith.

SATURDAY, 15th Dec., 1787.

The House met according to Adjournment.

Received from the House of Commons the Bill directing what Crimes and practices against this State shall be Treason, and what shall be misprision of Treason, and for providing punishments adequate to Crimes of both Classes. Endorsed, read the third time, amended and passed.

Ordered that this Bill be read, which being read it was moved and seconded that it be rejected; this being objected to and question

called for and taken thereon was carried in the affirmative, whereupon on motion of Mr. Person, seconded by Mr. Gallaway, ordered that the Yeas and Nays be taken on the question, which was as follows, to-wit.:

For the passage of the Bill—Mr. Ramsay, Mr. McCawley, Mr. Lenoir, Mr. Bledsoe, Mr. Clinton, Mr. Berger, Mr. Kenan, Mr. Overton, Mr. McCalister, Mr. Irwin, Mr. Hendley, Mr. Martin, Mr. Easton, Mr. Reddick, Mr. Miller, Mr. McDowell, Mr. Gallaway, Mr. Kennedy & Mr. Wynns—18.

Against the passage of the Bill—Mr. Battle, Mr. Griffin, Mr. J. Williams, Mr. Sheppard, Mr. Skinner, Mr. Harrington, Mr. Coor, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Winston, Mr. Person, Mr. Macon, Mr. Long, Mr. Robinson, Mr. Owen, Mr. Willis, Mr. Mitchell & Mr. Hargett.—21.

So this Bill was rejected.

Received likewise the Bill to regulate the Inspection of Tobacco in this State. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read the former was amended, passed the second time in this House and returned.

Received likewise the Bill directing the Clerks of the several Courts of record within this State as to their duty in office, with respect to the issuing Writs. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read was passed the third and last time in this House and ordered to be Engrossed.

Mr. Johnston, from the Committee, delivered in the following report:

Your Committee of Propositions and Grievances, to whom the Petition of Mary Richards, of Perquimans County, was referred report,

That in consequence of a Marriage Contract with a certain Henry Jerroe (Giraud), late of the town of Halifax, who hath since been guilty of suicide, the said Mary claims the estate of the said deceased.

It not appearing to your Committee by any satisfactory or convincing Testimony that the contract was ever perfected by the solemnization of the rites of Matrimony between the said parties, we are unwilling to alter the Legal disposition of the Estate of the said deceased, and are of opinion that the said Petition be rejected. Wherefore resolved, That it be rejected accordingly.

JOHN JOHNSTON, Chm.

Your Committee of Propositions and Grievances, to whom the petition of a number of the Inhabitants of Moore County in favour of a certain Thomas Matthews, was referred, Report,

That by a resolve of the last General Assembly in consequence of some charge then exhibited against the said Thomas Matthews by a certain Duncan Campbell, he was suspended from the office of a Justice of the Peace in said County; that no proof being adduced to your Committee sufficient to warrant a recommendation in his favour, they are of opinion the said petition ought to be rejected.

J. JOHNSTON, Chm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Petition of James Mulloy and the Petition of John Crawford. Endorsed, referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Received likewise the petition of Benj'n Gaylord. Endorsed, referred to Mr. Tatham, Mr. Blount and Mr. Phifer; which being read was, on the part of the Senate, referred to Mr. Reddick, Mr. Owen and Mr. McCallister and returned.

Received also the petition of William Wootton. Endorsed, referred to the Committee appointed on Finance; which being read was referred in like manner & returned.

Adjourned till Monday Morning 10 o'clock.

MONDAY, 17th Decr., 1787.

The House met according to Adjournment.

Mr. Relfe presented the resignation of John Smithson, Senr., a Justice of the Peace for the County of Pasquotank; which was read, accepted & sent to the House of Commons.

Mr. Alexius M. Foster, the Member for the County of Brunswick, appeared, produced his Certificate, was qualified agreeable to Law and took his seat.

Received from the House of Commons the following Message:
Mr. Speaker & Gentlemen:

We have appointed on our part, Mr. Bryant, Mr. McDowell and Mr. Wynns a Committee, who with such Gentlemen as may be appointed by the Senate, shall amend the Bill for selling the pallace,

&c., agreeably to the proposals made by Mr. Spaight in his Memorial on that subject herewith sent you. We propose that the Committee so appointed shall make report on Monday next.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We do not agree with you on the appointment of a Committee to amend the Bill for Selling the public Buildings in the Town of New Bern, nor do we concur with your resolution on that subject.

Read the petition of Frederick Fisher, of Rowan County; Whereupon,

Resolved, That the public Treasurer take up & discharge, agreeable to the Scale of depreciation, a Loan office certificate issued by Robt. Lanier, late district Treasurer in favour of Frederick Fisher, to the amount of Fourteen Thousand Five Hundred pounds, and that the public Treasurer be required to take up and discharge all issued in like account and similarly circumstanced.

The Speaker laid before the House a Letter from John Armstrong, Esqr., late Entry taker for the Western Lands; which was read and referred on the part of the Senate to Mr. Bledsoe, Mr. Person, Mr. Coor & Mr. Gallaway & sent to the House of Commons.

Mr. Overton presented the petition and claim of Charles Harrington, of Chatham County; which was read, referred to the Committee of Claims & sent to the House of Commons.

Received from the House of Commons a Resolution on the subject of Lands Caveated, lately entered in the office of John Armstrong, Esquire; which was read, Concurred with and returned.

Received also the report of the Committee appointed to prepare rules to be observed by the two Houses in passing and amending Bills by Message, on the third reading. Endorsed, read & concurred with. And the petition of John Humphries, Esquire. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Mr. Irwin and Mr. McCawley, from the joint balloting for Delegates to represent this State in the Congress of the United States for the present and ensuing year, three Councillors of State and a Judge for the Court of Admiralty for ports Brunswick & Swansborough, reported as follows, to-wit:

That having carefully executed the business of their appointment and on casting up the scrolls, that Robert Burton and Hugh Williamson, Esquires, were elected Members of Congress for the present year; that James White, John Ashe, John Stokes, Benjamin Hawkins & Hugh Williams, Esquires, were elected by a Majority of votes Delegates to Congress from this State the ensuing year; that John Skinner & Thomas Brown, Esquires, were made choice of as Councillors of State; that John Hawks, Esquire, was appointed Judge of the Marine Court for Port Beaufort; that no Person appears to have a Majority for the Maritime Court for port Swansborough, and that one Delegate to Congress and one Councillor of State remained yet to be ballotted for.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Bill authorizing and requiring the Sheriffs of the several Counties in this State, to bring suit or take possession, receive and make sale of all property left by the British in this State during the late War. Endorsed, read the second time & passed.

And the Bill for the more easy recovery of rents, and to prevent Tenants from committing frauds. Endorsed, read the second time, amended and passed.

Ordered that these Bills be read; which being read the first was passed the second time in this House and returned, and the last, on motion, rejected.

Received from the House of Commons the Bill directing the duty of Naval officers, & of all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read; which being read was amended, passed the third time in this House and returned.

On the passage of this Bill, in which is the following Oath, to-wit: "I, A. B., do solemnly swear that I will faithfully execute the duty of Naval officer for the port of ———— according to Law, and that I will not during my continuance in said office be concerned directly or indirectly in exporting or importing any goods, Wares or Merchandise which by the Laws of this State are or may be subject or liable to any duty or *import*, unless for my own particular use and consumption, and not exceeding the value of two Hundred

pounds Sterling in any one year;" it was moved and seconded that the said words in the oath be deled from the word "Import" to the end thereof. This being objected to and question taken thereon was negative; whereupon the Yeas and Nays being required on the question are as follows, to-wit.:

For deleing the oath as above—Mr. Overton, Mr. Ramsay, Mr. Moore, Mr. Lenoir, Mr. Berger, Mr. Person, Mr. Kenan, Mr. Irwin, Mr. Robinson, Mr. Henly, Mr. Owen, Mr. Willis, Mr. Crawford, Mr. McDowall, Mr. Gallaway & Mr. Kennedy—16.

For not amending—Mr. Griffin, Mr. J. Williams, Mr. Sheppard, Mr. Skinner, Mr. Coor, Mr. Boon, Mr. Johnston, Mr. Gregory, Mr. Jordan, Mr. Bledsoe, Mr. Clinton, Mr. McCallister, Mr. Long, Mr. Reddick, Mr. Mitchell, Mr. Hargett & Mr. Foster—17.

So the said form of an oath was not amended.

Mr. Coor, from the Committee, delivered in the following report:

Your Committee, to whom was referred the petition of James Carney of Craven County, respecting the Bounds of his Land on Gattens Creek, on the north side of Neuse river in Craven County, below the Town of New Bern, which Lands were granted to Edward Hawcott by the Lords Proprietors of Carolina in the year one thousand Seven Hundred and sixteen, having duly considered the same, report, that it fully appears the number of poles & the Courses as mentioned in the said Grant are erroneous, and as appears by the plott include only thirty-seven instead of three Hundred and Ninety Acres, as mentioned in the original Grant; therefore, that justice may be done in the premises, your Committee propose and report the following resolution,

Resolved, That the third Course mentioned in the aforesaid Grant, that is to say, No. 85 Wt. one hundred and thirty poles, shall be extended so that with the other courses mentioned in said Grant, the aforesaid quantity of 390 Acres may be included according to the original intention, and that all the Lands which are now vacant, and shall be included by extending the said line as aforesaid shall be considered and is hereby appropriated unto the said James Carney, his Heirs and assigns, & not liable to be taken up or entered by any other person whatsoever.

All which is submitted.

JAMES COOR, Chm.

The House taking the foregoing report into consideration, Resolved, That they do not concur therewith, but that the same be rejected.

Received from the House of Commons a Message from His Excellency the Governor, addressed to the General Assembly accompanied by a Letter from Richard D. Spaight, Esquire. Endorsed, referred on the part of this House to Mr. Cabarrus, Mr. Steele, Mr. Davie and Mr. Sanders; which being read was, on the part of the Senate, referred to Mr. King, Mr. Hargett and Mr. Gregory and returned.

Mr. Coor, from the Committee to whom was referred the Petition of Spiers Singleton, reported as follows, to-wit:

That they have examined the contents thereof and find that the assistant Commissary for the Southern department for the use of the Army under the Command of General Greene, purchased, certain goods to the amount of one Hundred and four pounds Nineteen Shillings 16d Specie, that he received from him a Warrant on the Treasury for that Sum, as appears by the affidavit of said Henry Vipor and the Warrant.

Your Committee are therefore of opinion that the public Treasurer be directed to pay to the said petitioner the aforesaid sum of one Hundred and four pounds Nineteen Shillings and 16d Currency, taking up the said Warrant as a Voucher in the settlement of his public accounts, and that he give information thereof to the Comptroller, that the amount of the said Warrant may be carried to the credit of this State in their account with the United States.

JAMES COOR, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons a Bill to amend "an Act to bring to condign punishment and to secure their Estates so far as to be answerable to the public, the persons therein described, accused of certain Crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance of certain resolutions of this Assembly from vexatious suits and prosecutions, and to establish a Board for the further detection & further discovery of the said fraudulent practices, and for settling & liquidating the accounts of the officers and Soldiers of the Continental Line, to give the public a further security and to relieve the Creditors of Persons who have

been presented or indicted in consequence of the said act." Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and ordered to be Engrossed.

Received also the Bill to direct the application of such public Tobacco as already is or may hereafter be purchased by the Commissioners for that purpose appointed by the last General Assembly, and to repeal the thirteenth section of an act for the regulation of Commerce. Endorsed, read the first time & passed. And the Bill for revising and collecting the Acts of the General Assembly of the State of North Carolina. Endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read the former was passed the third, and latter the first time in this House & returned.

Mr. Johnston, from the Committee of Propositions and Grievances to whom was referred the petition of Richard Sears, reported as follows:

That the Commissioner of Confiscated Estates in the district of Hillsborough hath advertised and sold the Land of the said Sears as Confiscated.

The Committee therefore conceiving the said Richard to have redress in Court of Law are of opinion that the said petition be rejected.

JOHN JOHNSTON, Chm.

Received by way of the House of Commons a Message from His Excellency the Governor, addressed to the Genl. Assembly requesting that a Committee may be appointed to settle his public accounts. Endorsed, referred to the Committee of Finance; which being read was referred in like manner and returned.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have been informed the Bill declaring what Crimes and practices shall be deemed Treason, &c., has been rejected in the Senate and as we conceive it a matter of the utmost consequence that some measures should be adopted by the present Assembly for quieting the disorders in the Western part of the State, we propose that a

joint Committee be appointed to propose some method whereby these purposes may be effected. We have on our part appointed Mr. Davie, Mr. Steele, Mr. Maxwell, Mr. Spaight, Mr. Starkey, Mr. Campbell, Mr. McDowall, Mr. Mebane, Mr. Hawkins and Mr. Cabarrus.

The foregoing being read it was ordered that the following be sent to the House of Commons:

Mr. Speaker & Gentlemen:

Mr. Martin, Mr. Robinson, Mr. Lenoir, Mr. Hargett, Mr. Kennedy and Mr. Gallaway will act jointly with the Gentlemen by you appointed, to report what measures are necessary to be adopted by the General Assembly for quieting the disorders in the Western parts of this State.

Received from the House of Commons the Bill to carry into further effect an act intituled "an Act for opening the Land office, for the redemption of Specie and other Certificates, and discharging the Arrears due to the Army." Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read a motion was made and seconded, that it be rejected; this being objected to and question taken thereon was carried in the affirmative; whereupon, on motion of Mr. Person seconded by Mr. Gallaway, ordered that the Yeas and Nays be taken on this question which are as follows, to-wit.:

For the passage of the Bill—Mr. Overton, Mr. Ramsay, Mr. Johnston, Mr. Clinton, Mr. Berger, Mr. Person, Mr. Irwin, Mr. Miller and Mr. McDowall—9.

Against the passage of this Bill—Mr. Mayo, Mr. Battle, Mr. Griffin, Mr. J. Williams, Mr. Skinner, Mr. Coor, Mr. Boon, Mr. McCawley, Mr. Moore, Mr. Gregory, Mr. Jordan, Mr. Lenoir, Mr. Bledsoe, Mr. Winston, Mr. Kenan, Mr. McCallister, Mr. Long, Mr. Robinson, Mr. Henly, Mr. Martin, Mr. Owen, Mr. Reddick, Mr. Willis, Mr. Crawford, Mr. Mitchell, Mr. Gallaway, Mr. Kennedy, Mr. Hargett, Mr. Wynns and Mr. Foster—30.

So the Bill was rejected.

Received from the House of Commons a Resolution requiring the Judges of the Superior Court of Law and Equity to be more punctual in their attendance at the Court of Morgan District; a Resolution

directing the public Treasurer to pay unto Silas Cooke a sum therein Mentioned; and the report of the Committee appointed on the Memorial of Stephen Brooks; which being read, were severally Concurred with and returned.

Received also the resolution of this House suspending Henry Spears, of Surry County, from the exercise of his appointment of Justice of the Peace. Endorsed, read and concurred with; and the following Message:

Mr. Speaker & Gentlemen:

We think proper to inform you that Col. Burton desires his name may be omitted in the nomination next to be made for the election of a Delegate yet to be chosen for the ensuing year.

Received also the resignation of John Macon, Esquire, as first Major of the Regiment of Horse in the District of Halifax; the resignation of Solomon Green a Justice of the Peace for the County of Warren, and the resignation of Thomas Waddington a Justice of the Peace for the County of Rutherford. Respectively endorsed, read and accepted.

Received likewise the Bill for hiring out persons convicted on Indictment or punishment and not being able or willing to pay the fine or fees of office. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

Mr. Johnston, from the Committee, delivered in the following reports:

Your Committee of Propositions and Grievances to whom the petition of Martha Mitchell was referred report,

That the said Martha by her petition, charges that her Husband, Theophilus Mitchell, was a Soldier and died in the service of the United States and that she has not received any pay or allowance for the service of her said Husband. These suggestions not being supported by a Certificate of Inlistment of any officer, or affidavit of the said Mary, the Committee are of opinion that the petition be rejected.

JOHN JOHNSTON, Chm.

Your Committee of Propositions and Grievances, to whom was referred the petition of John Crawford, of Anson County, report,

That on examining the said Petition & vouchers attendant it appears that the said Crawford can only be redressed by passing an act

in his favour, and the Sessions having already been very long, they are unwilling to recommend the introduction of a Bill to that effect at this late Hour. Wherefore resolved, That the said Petition be laid over until the next Assembly.

JOHN JOHNSTON, Chm.

Your Committee of Propositions and Grievances, to whom the petition of Edmond Gamble was referred, report,

That in the year 1779 the said Edmond Gamble, as deputy Quarter Master and Commissary, received orders to lay up a quantity of provisions at Charlotte for the use of the Southern Army; that in carrying these orders into effect he became bound to a certain William Moore in a private capacity for the payment of the waggon hire; that in consequence thereof the said Moore instituted a suit against him and at March Term last in Salisbury Superior Court recovered the sum of Eighteen pounds Eight Shillings and eight pence, with interest thereon from July, 1785, until paid, together with thirty three pounds sixteen Shillings cost of suit, making in the whole fifty-four pounds Nineteen Shillings and Ten pence, as per Clerk's Certificates hereon attendant.

Your Committee taking these facts into consideration and being satisfied by the affidavit of the said Gamble, herewith presented, that he hath not at any time charged the State for the said Waggon Hire, or received any satisfaction for the same, are of opinion that he ought to be indemnified.

Wherefore resolved, That the Treasurer be and he is hereby required to pay to the said Edmund Gamble or assigns, the aforesaid sum of fifty-four pounds nineteen shillings & ten pence, the amount of the said Debt & cost.

JOHN JOHNSTON, Chm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the resignation of Benjamin Hawkins, Esqr. Endorsed, referred as by the Senate. Also the resignation of William Sunpter, a Justice of the Peace for the County of Burke, and the resignation of John Smithson, Junr., a Justice of the Peace for the County of Pasquotank. Endorsed, read and accepted.

Received likewise the report of the Committee on the petition of the Inhabitants of Moore County in favour of Thomas Matthews.

The report on the petition of James Christian; the report of the Committee on the petition of Richard Sears; the report of the Committee on the Memorial of Stephen Moore, & the report of the Committee on the petition of Mary Richards. Severally endorsed, read and concurred with.

Received likewise the report of the Committee appointed to report on the Message of His Excellency the Governor, of the 12th inst., and certain Pardons therein alluded to. Endorsed, read and concurred with; which being read was likewise concurred with and returned.

On motion of Mr. McCawley, ordered that the following resolution be sent to the House of Commons for their concurrence:

Whereas, it is represented to this General Assembly that ——— Abbott, late of the County of Wake in this State, having been convicted before the Superior Court of Hillsborough District of a misdemeanor and fined in the sum of twenty-five pounds and was committed to Jail untill the same should be paid;

And whereas, he has remained therein for the space of two years and more, not being of sufficient ability to make payment and satisfy the Judgment of said Court;

Resolved, That the said Judgment and fine be and the same is hereby remitted, and that the Sheriff of Orange be directed to release the said prisoner without any further demand.

Received from the House of Commons the Bill to regulate the inspection of Tobacco in this State. Endorsed, read the third time, amended and passed.

Ordered that this Bill be read, which being read a motion was made and seconded, that it be rejected; this being objected to and the question called for and taken thereon, was carried in the negative, whereupon on motion of Mr. Long, seconded by Mr. Ramsay, Ordered that the Yeas and Nays be taken on this question which are as follows, to-wit.:

For the passage of the Bill—Mr. Griffin, Mr. Overton, Mr. Ramsay, Mr. McCawley, Mr. Moore, Mr. Bledsoe, Mr. Winston, Mr. Clinton, Mr. Berger, Mr. Person, Mr. Kenan, Mr. McCallister, Mr. Irwin, Mr. Robertson, Mr. Martin, Mr. Owen, Mr. Miller, Mr. Willis, Mr. Crawford, Mr. McDowall, Mr. Gallaway, Mr. Kennedy, Mr. Hargett & Mr. Foster—24.

Against the passage of the Bill—Mr. Mayo, Mr. Battle, Mr. Williams, Mr. Skinner, Mr. Warrington, Mr. Coor, Mr. Boon, Mr. Gregory, Mr. Jordan, Mr. Lenoir, Mr. Long, Mr. Hedley, Mr. Reddick and Mr. Wynns—14.

So the Bill was passed and ordered to be Engrossed.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is the opinion of this House that the Committee of Finance be directed to report a full state of the Indian affairs now under their Consideration, from the issuing the Warrants for the purchase of Goods to be applied in that department to the present time.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree that the Committee of Finance be directed to report on the State of the Indian affairs as by you proposed.

Adjourned till To-morrow Morning 10 O'clock.

TUESDAY, 18 Decr., 1787.

The House met according to adjournment.

Resolved, That Hardy Jones of Edgecombe County, be allowed the sum of fifteen pounds for carrying a Copy of the Journal of last Assembly to the public printer at Fayetteville, & carting from thence to Tarborough the papers of the Senate; that the Treasurer pay him the same and be allowed.

Received from the House of Commons the report of the Committee on the petition of the Inhabitants of Rowan County. Endorsed, read and concurred with. And the resolution of this House directing the public Treasurer to delay issuing any process or suit in behalf of this State against the Administrators of Andrew Blanchard, dec'd. Endorsed, read and concurred with. Also the report of the Committee appointed on the petition of Joseph Cain; which was read, concurred with and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

This House, on the supposition that all the Copies of the Federal Constitution, &c., were in our possession, have proceeded to distribute them by Counties by which means it has happened that there

are some Counties which have not been furnished, one-third of them being in your House. We therefore propose that the Copies in your possession be sent to the Commons so that each County may be supplied with its proportion.

Mr. Person, from the Committee to whom the Memorial of John Willis was referred, reported as follows, to-wit.:

That on examining the premises they find that the said petitioner did furnish for the use of the public, Corn and other articles of provision to a large amount, and obtained a certificate from the County Commissioner for the amount of such supplies, as directed by Law; they are therefore of opinion as it is impossible to relieve all those who are in similar circumstances the prayer of said Petition cannot be granted.

THO. PERSON, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons a resolution of that Body in favour of John Abbott, and a resolve allowing Henry Thompson a sum therein mentioned; which was read, concurred with and returned.

Mr. Person, from the Committee, delivered in the following reports:

The Committee, to whom the petition of John Justice, Exr. of the last Will and Testament of James Allen, dec'd, was referred, report,

That having examined the said petition and the several depositions and papers produced in support of the same, it appears that the said James Allen, dec'd, did in his life time advance to the public, for the purpose of paying Militia Volunteers and Drafts their bounty, the sum of five thousand two hundred and twenty-three pounds, which by scale is equal to five Hundred and twenty-two pounds 6 Shillings Specie; and that some time afterwards the said James Allen obtained a Warrant on the Treasury for the said sum, and before settling his account with the public, he died without leaving sufficient Vouchers to make a settlement. Your Committee are therefore of opinion that the Comptroller be directed to ballance his said account with the public.

THO. PERSON, Chm.

The Committee to whom the petition of Ann Field was referred, report,

That having taken under consideration the said petition & strictly enquiring into the Facts therein set forth, find them well supported, and are therefore of opinion that the prayer of the petitioner be granted.

THO. PERSON, Chm.

The Committee to whom was referred the petition of Jeremiah Field and Robert Field, report,

That they have taken into consideration the said petition, and from the information of several of the Members of your Hon'ble Houses there appears to be a great degree of justice in the Claim of the petitioner; but the information necessary to induce your Committee to grant their request having not been fully adduced (tho' in all probability it will at a future day) they are of opinion that the said petition be laid over until the next General Assembly in order that the petitioners may have a further time of adducing Testimony to substantiate their claim, and that the Commissioner of Confiscated property of the District in which the said Lands lie be directed to postpone the sale of the same until the determination of the next Genl. Assembly had thereon.

THOMAS PERSON, Chm.

The Committee, to whom the Memorial of Micajah Thomas, administrator of the estate of Colonel Thomas Hunter of Nash County dec'd, was referred, report,

That they have taken under consideration the said Memorial and examined the several papers produced, from which it appears, corroborated by the oral Testimony of said Thomas, that in the year 1780 the said Thomas Hunter drew from Richard Cogdell, Esq., the Treasurer of New Bern District, the sum of 180 pounds 1 for the express purpose of paying Militia Soldiers' bounties. It also appears from the information of the said Mr. Thomas that the said Thomas Hunter did actually appropriate the said Monies to the particular purpose for which it was drawn, but from a misfortune of having his House burnt in which was consumed all his valuable papers among which (in all probability) the Vouchers for the bounties

by him paid, as set forth in the petition, were destroyed and thereby was made unable to settle his accounts.

That the said Thomas Hunter has since deceased and the settlement of his accounts has devolved on the aforesaid Micajah Thomas, in consequence of his Administrator on the Estates of the deceased, who finds himself unable to settle with the public for the aforementioned Monies for want of the Vouchers supposed to be so consumed.

Your Committee are of opinion that there is the strongest circumstantial proof of the due appropriation of the Monies drawn and the entire destruction of the said Vouchers. Therefore recommend that the Comptroller be directed to balance the account of the said Thomas Hunter with the public.

THO. PERSON, Chm.

The Committee to whom the Memorial and petition of George Henry Berger was referred, report,

That on examining the premises and duly deliberating thereupon, they are of opinion that on either the principles of Law or Justice they are not warranted to grant the prayer of said petition, therefore do reject it.

THOMAS PERSON, Ch'm.

The foregoing reports being read were concurred with & sent to the House of Commons.

Received from the House of Commons the Bill to impower the Wardens of the poor for the County of Currituck to lay a tax to enable them to settle the arrears due from the said County to persons who have supported the poor, and for Electing Wardens for the poor in the several Counties within this State, where no such have been elected agreeable to Law. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended, passed the second time in this House and returned.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose balloting to-morrow evening at four O'Clock for one person to represent this State in Congress the ensuing year, for one Councillor, for a Brigadier-General for the District of Fayetteville, for the officers of Cavalry in that District, and for the officers of Cavalry in the other Districts who are to supply the places of those re-

signed. We nominate for Delegate the two Gentlemen who had the greatest number of votes on the last Balloting; for Councillor the two Gentlemen who had the greatest number on the last balloting; for Brigadier-General for the District of Fayette, James Thaxton, Richard Clinton and Henry Wm. Harrington; For Colonel of Cavalry in the same District, Thos. Overton, Richard Clinton and Captain Willis; for first Major, David Dodd, Esquire; for second Major John Porterfield; for Colonel of Cavalry for Washington District, Robert Hays and Landon Carter; for second Major of Cavalry in Wilmington District, David Jones; for first Major of Cavalry in Halifax District, Durham Hall; for second Major in the same District, Robert Fenner. We propose further that a Judge for the County of Davidson be balloted for at the same time and nominate Josiah Love, John Macrary & Howell Tatum.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to ballot to-morrow evening at 4 o'clock for the Delegate to Congress & Councillor of State yet to be made choice of and for the several Military and Civil officers mentioned in your Message. We approve of the whole of your nominations and add thereto Thomas Polk, Esquire, for Delegate for the ensuing year and Robert Rowan for Brigadier-General of the District of Fayette.

We propose that a Vendue Master for the Town of Fayetteville be balloted for at the same time and a Judge of the Marine Court for the port of Swansboro, and nominate for Vendue Master, Lewis Barge and James Moore; for Judge, Robert Snead, Senr.

We also propose, by way of expediting this business, that the Gentlemen in nomination for officers of Cavalry, who on casting up the poll shall appear to have the greatest number of votes, be returned elected.

At the request of Col. Clinton we inform you that he is not a candidate for the Col. of the Horse for the District of Fayette.

Received from the House of Commons a report of the Committee of Finance on the State of the Treasury. Endorsed, read and concurred with; which being read was likewise concurred with and returned.

Received also the Bill for the more regular collecting & accounting

for the revenues of this State; for allowing the public Treasurer a Clerk, and for the collection of arrearages. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read & amended was passed the second time in this House and returned.

Received likewise the Bill for altering the times for holding the County Courts of Edgecombe, Halifax and Pitt. Endorsed, read the third time, amended & passed.

Ordered that this Bill be read, which being read was passed the third time in this House and ordered to be Engrossed.

On motion, Ordered that Mr. Shaw have leave to absent himself from the service of this House during the present Session.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We herewith send you the Claim of Mr. Mare, No. 20, which we have read & concurred with as reported by the Committee of Claims; should it meet your concurrence we propose that he have leave to withdraw it before the whole proceedings of that Committee are taken under consideration, he having attended some time on this business.

Received from the House of Commons the Bill for Levying a tax for the support of Government, and for the redemption of the old paper Currency, Continental Money & Specie, and other Certificates. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read and amended was passed the second time in this House and returned.

Received also the Bill authorizing and requiring the Sheriffs of the several Counties in this State to bring suit, or take into possession, receive or make sale of all property left by the British in this State during the late War; and the Bill to empower the County Court of Pleas and Quarter Sessions in the County of Perquimans, to lay a tax for the purpose of repairing the prison & Building a Gaolers House in the County aforesaid. Each endorsed, read the third time and passed. Also the Bill for levying a tax in the County of Brunswick for the purpose of building a Gaol therein. Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the first two

were passed the third time in this House and ordered to be Engrossed, and the last the second time and returned.

Received likewise the Bill to amend an Act to regulate the Town of Salisbury, and for allowing the Commissioners in the town of Halifax to levy a tax on the Slaves within the liberties thereof. Endorsed, read the second time & passed after being amended.

Ordered that this Bill be read, which being read was amended, passed the third time in this House and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

The House have directed the Estimate of Expenses and allowances of the present Session be made up so as to include Friday next and that the allowance for Member's attendance be at the rate of twenty Shillings per day.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is also our opinion that the Estimates of the present Session be made up to include Friday next and agreeable to the sum mentioned in your Message.

The House adjourned till to-morrow 10 o'clock.

WEDNESDAY, 19th Decr., 1787.

The House met.

On motion, ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The list of Justices recommended for the several Counties in this State, which accompanies this, we propose shall be handed his Excellency the Governor, immediately, in order that Commissions may be obtained previous to his going out of office.

Those recommendations agreed to by the House of Commons, and which do not appear on this list, are either taken out for alteration or ordered to lie for consideration.

Mr. Lenoir, from the Committee appointed to report what measures are necessary to be adopted by this General Assembly for quieting the disorders in the Western parts of this State, delivered in the following report:

That it is the opinion of your Committee that all the benefits and advantages of an act of Assembly passed at Fayetteville in the year 1786, intituled "an Act to pardon and consign to oblivion the offences and misconduct of Persons in the Counties of Washington, Sullivan, Greene and Hawkins," be extended to the Persons therein described as fully & amply as said act can possibly operate an act of pardon and oblivion, and that all suits commenced for the recovery of any penalty or forfeiture incurred by not complying with the Laws usually called revenue or Tax Laws be discontinued on the defendant or defendants assuming costs.

All of which is submitted.

WM. LENOIR, Chm.

The House taking the foregoing report into Consideration, Resolved, That they do concur therewith.

Whereupon, Mr. Lenoir moved for leave and presented a Bill to extend an act intituled "an Act to pardon and Consign to oblivion the offences and misconduct of certain Persons in the Counties of Washington, Greene, Sullivan and Hawkins;" which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a resolution requesting His Excellency the Governor, to issue certain Civil and Military Commissions previous to his going out of office; which was read, concurred with and returned.

Received also the report of the Committee on the Memorial of Micajah Thomas, Esquire;

The report of the Committee on the petition of Martha Mitchell;
The report of the Committee on the petition of John Crawford;
The report of the Committee on the petition of Jeremiah Field;
The report of the Committee on the Memorial of George Henry Berger, Esquire;

The report of the Committee on the Memorial of Edmund Gamble;
The report of the Committee on the petition of the Inhabitants of the County of Rowan; and

The resolution of this House in favour of the Exers of Andrew Blanchard. Severally endorsed, read and concurred with.

Mr. Person, from the Committee of Finance to whom was referred the Memorial of Francis Child Comptroller, setting forth that he could not compleat the removal of the public books and papers to

Hillsboro for the want of Money, that he has already expended thirty-five pounds of his own Money in removing part and suggest that it will require a further sum of fifty pounds to compleat the same; report, that it is the opinion of the Committee that His Excellency the Governor, be directed to issue a Warrant on the Treasury in favour of the said Comptroller for the sum of one Hundred pounds for the purpose aforesaid, and for which said Comptroller shall be accountable and settle with the next Assembly.

On the requisition of the Comptroller to be allowed an additional Clerk or Clerks to enable him to compleat the settlement between this State and the United States, the Committee are of opinion that the Governor, with the advice of the Council, shall be directed to authorize him to appoint such a number of Clerks and for such a length of time or times as to them shall appear necessary for expediting said business. Your Committee further beg leave to report it as their opinion that where Doubts shall arise in the Course of Settlement between the Comptroller on the part of this State and the Commissioner of the United States respecting their settlements, the Comptroller shall state such Doubts to the Governor who, with the advice of the Council, shall give such Orders respecting the same as to them shall appear just and necessary, which orders the Comptroller shall be directed and authorized to pursue.

All which is submitted.

THO. PERSON, Chm.

The Sub-Committee of Finance report:

That they have read the Memo. of John Armstrong, Esquire, Entry taker of Western Lands, which states that he is in perfect readiness to exhibit his account and make settlement with the Comptroller for all sums by him received for Entries—but that some few individuals had neglected to pay up the Certificates due for Lands entered on which he prayed a longer indulgence. They are therefore of opinion that he be allowed until the first day of June next to make good his settlement, and that on his failing or neglecting to make final settlement on or before that day that the Comptroller shall give notice thereof to the Treasurer who shall without delay commence a suit against him or his Bond for the faithful execution of his duty and the Trust reposed in him.

The Sub-Committee further report that they have received from

the Comptroller a state of the account against said Entry taker together with a Copy of the report of the Sub-Committee of Finance No. 2, made to the last General Assembly at Fayetteville, which they beg leave to lay before and submit to the Committee.

A. BLEDSOE, Chm.

Ordered that the same be received as a report of the Sub-Committee No. 5, and as the report of this Committee submitted to the House with the Comptroller's Account and report aforesaid, annexed.

All which is submitted.

THO. PERSON, Chm.

The Sub-Committee of Finance No. 4, reported that they had received from the Comptroller on account of sales of Confiscated property, the payments made by the Commissioners with the balances due, which they beg leave to lay before and submit to the Committee.

Ordered that the same be received and submitted to the House as the report of the Committee.

THO. PERSON, Chm.

The Committee of Finance, to whom was referred the Memorial of William Wootton, Report,

That it appears to your Committee Mr. Wootton, (as Executor of the Estate of John Bradford, dec'd, one of the late Board of Auditors of Halifax District,) has in his Hands a number of Certificates passed by the said Board of Auditors which appears to be the property of Individuals who never have made application for the same. The Committee are of opinion that a resolve should be entered into by both Houses directing the several late Boards of Auditors, their Secretaries and Clerks throughout the State, as also the Executors or Administrators of such as may have died within six Months from and after the rising of this General Assembly, to deliver to the Comptroller on oath all the Certificates which remain in their hands being the property of Individuals who have never applied for the same, giving one Months previous notice at the Court House of the District and other public places by public Advertisement of the particular Certificates thus about to be returned, in order that the proprietor of such Certificates may have an opportunity of claiming and receiving them prior to such return being made; that the Comp-

troller shall endorse each Certificate by him thus received with the name of the Board of Auditors the same was received from in consequence of this resolve, that he give each Board of Auditors a receipt for the number and amount of each and every Certificate by him thus received and hold the same ready to be delivered to the proper owners on proper application; also that the Clerks of the two Houses shall publish this Resolve in the several districts within this State as soon as may be after the rising of the present Assembly.

All which is submitted.

THO. PERSON, Chm.

The Sub-Committee of Finance No. 6, report,

That they have received from the Comptroller a state of his accounts and progress in settlement with County Commissioners, Quarter Masters and others, which they beg leave to lay before and submit to the Committee of Finance.

JAMES GALLAWAY, Chm.

Ordered that the same be received and reported to the House accompanied with the following Resolve, which they recommend to be adopted by both Houses, vizt:

Resolved, That the Comptroller be and he is hereby directed by public advertizement at the Court House doors of each and every County within this State, to call on all delinquents by name whose accounts shall remain unsettled at the time of such Advertizement, notifying them to attend at his office with their respective accounts properly attested for settlement prior to the first day of June next; and in case of the neglect or refusal of any Person or persons whose name or names shall appear in said Advertizement to comply with the tenor thereof and with this resolve, that the Comptroller be and he is hereby directed to lodge the Accounts of such delinquents in the Hands of the Treasurer who is hereby directed to commence a Suit for the penalty or penalties of the Bond or Bonds which said Delinquent or Delinquents may have given for the faithful discharge of the Trust reposed in them, and in case of no bonds being given by the said delinquent or Delinquents that suit shall be commenced for the balance of which may appear to be due on the Comptrollers return; and in order that the Treasurer may be possessed of necessary information on this subject the Committee recommend that a clause

be added to this revenue bill requiring the Clerks for the several County Courts within this State under the penalty of Five Hundred Pounds to furnish the Comptroller with attested Copies of the accounts and Settlements of the County Commissioners of Confiscated property together with the Bonds of such Commissioners, which bonds the Comptroller shall put into the Hands of the Treasurer, so far as suits shall be necessary to be commenced thereon, in compliance with the foregoing resolve.

THO. PERSON, Chm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Whereas, it is represented to this Assembly that there are in the possession of divers Persons in this State, Books of record wherein are entered or recorded Patents issued or granted under the former Government, and the record Books properly belonging to Lord Granville's office, which of right should be deposited in the Secretaries office of this State;

Resolved Therefore, That the Secretary of this State be and he is hereby required to call on all persons that may have any of the records above mentioned in his or their possession, and every such person is hereby required at their peril to deliver the same.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received your Message in answer to ours proposing to ballot this Evening for a Delegate, &c. ; have decided to the further proposals made by you on that subject and so approve of your nomination.

Mr. Johnston, from the Committee, delivered in the following reports:

The Committee of Propositions and Grievances to whom was referred the Memorial of James Mulloy, report,

That the said Mulloy received from the late Commissioners of Army accounts a due Bill and certificate to the amount of — for his service as a Nine Month's Soldier, that by an act of the last General Assembly these Claims, indiscriminately, are precluded from payment for a certain time.

The Committee unwilling to draw any line of distinction previous

to the setting of the Commissioners appointed for the purpose of examining of these Claims, are of opinion that it be rejected.

JOHN JOHNSTON, Chm.

The Committee of Propositions and Grievances, to whom was referred the petition of Daniel Shaw, report,

That the said Daniel, in the year 1781, was wounded in the service of this State, that he paid the sum of Eighteen pounds 10 shillings to a surgeon who attended and effected his cure, as appears by the Vouchers No. 1 & 2.

Your Committee taking the later into consideration are of opinion that he is entitled to the aforesaid sum from the Treasury, wherefore they recommend that the Treasurer be directed to pay to the said Daniel Shaw the sum of Eighteen Pounds ten Shillings and be allowed therefor in the settlement of his accounts.

JOHN JOHNSTON, Chm.

The Committee of Propositions and Grievances, to whom was referred the Memorial of John Dickey and William Sharp, Exrs of Genl. Davidson, report,

That in consequence of a Settlement by William Sharpe, Exr. as aforesaid, with a Committee of the Assembly in the year 1784, at New Bern, he placed in the hands of Mr. McCulloch the voucher & other papers relating thereto; a balance appearing due to the said Estate of three or four hundred pounds.

The Commissioners of Army accounts failing to report in the said papers, and the Committee having no papers or vouchers that tend to the elucidation of the claims are of opinion that it be rejected.

JOHN JOHNSTON, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. Person, from the Committee of Finance, delivered in the following report:

The Sub-Committee of Finance No. 3, beg leave to report, that on examining the accounts of Colo. Robert Rowan, late Commissioner for the purchase of Tobacco at Fayetteville, it appears to your Committee that this business cannot at present be finally adjusted

in Consequence of Mr. Rowan's absence occasioned by indisposition, and the want of certain vouchers in his possession.

It appears that Mr. Rowan has delivered to the agents, Messrs. Constable, Rucker & Co., five hundred and three Hogsheads, wt. 516,959 lbs. as per vouchers; that there remains on hand 201,069 lbs. nett Tobacco, for which Mr. Rowan hath the Inspector's notes.

Your Committee therefore advise that the present year's Commissioner be directed to take the said notes and Tobacco into his possession for which his receipt will be a sufficient voucher in the settlement of Mr. Rowan's accounts; that Mr. Rowan shall make a final settlement of his accounts with the Comptroller on or before the first day of March next, who shall be directed to lay such settlement before the next Session of the General Assembly for their approbation.

Your Committee further recommend, that his Excellency the Governor, be directed with the advice of the Council, to make sale of all Tobacco which is now on hand, or which may hereafter be purchased by the Commissioners for account of the public, for the most obtainable price in Specie or such Securities as shall obtain a specie Credit with the United States on account of this States' Quota of the principal & Interest of the French and Dutch Loans. The Sub-Committee advise the measure in consequence of the heavy loss and expence which the public have heretofore sustained by the mode pursued for disposing of their Tobacco, and they trust the plan herein proposed will be attended with a good effect.

All which is submitted.

S. CABARRUS, Chm.

The Committee taking the foregoing report into consideration concurred therewith, and ordered the same to be reported and submitted to the House.

THOMAS PERSON, Chairman.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the following Message, accompanied by a Letter from Samuel Johnston, Esquire:

Mr. Speaker & Gentlemen:

This accompanies an address from the Honble Samuel Johnston, Esquire, in consequence of which we propose that the Speakers of

the two Houses acquaint Mr. Johnston that the General Assembly will receive him to-morrow at 11 O'clock in order that he may qualify as Governor.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree with you that the Speakers of this Assembly be requested to inform the Honble Sam'l Johnston, Esqr., that to-morrow at 11 O'clock the General Assembly will receive him in order for his qualification.

Received also the report of the Committee on the Petition of John Justice; the report of the Committee on the Petition of Ann Field. Endorsed, concurred with.

And the report of the Committee on the Petition of Winston Caswell and William White, Ex'rs of William Caswell, dec'd; which was read, concurred with and returned.

Mr. Person, from the Committee, delivered in the following report:

The Sub-Committee of Finance No. 3, to whom was committed the investigation and settlement of the accounts of the late Commissioners for purchasing Tobacco for the use of the State, report,

That they have examined the accounts of John Haywood, formerly Commissioner for purchasing Tobacco for the use of the public at the Town of Tarbor', whereby it appears that he received from the public Treasury as Commissioner aforesaid the sum of ten thousand pounds£10,000 00 00

That part of three Hoghds Tobacco by him purchased
were refused at the time of Delv'y & sold at vendue
for 15 13 06

From whence he became accountable for 10,015 13 06

That he hath purchased for the use of the public 315
Hhds. Tobacco weighing 349,689 lbs. which were
stored at Washington amounting at the rate of fifty
shillings p. hundred to 8,742 04 06

That he hath purchased 1 other Hhd., wt. 1,024 lbs,
which was prized in those sent to Washington

whilst at Tarboro; amounting at the same rate . .	25 12 00
That while the amount of the storage of this Tobacco both at Tarboro & Washington appears to be	250 15 10
That the amount of the freight of the 315 Hhds. from 'Tarboro' to Washington at 16 shillings p. Hhd. the price given, is	252 00 00
That the expences of Cooperage remaining, nails, &c., in Augt., 1786 & May, 1787, amounts to	148 07 10
That the Committee have allowed the said Commissioner as a reimbursement of his expenditure when attending to the business	16 00 00
That his Commissions at 2½ p. cent, on £9,435 00 02	
the amount of the Money expended is	235 17 06

Which several sums amounting in the whole to . . . 9,670 17 08
 Leaving a balance of £ 344 15 10

Due the public & yet to be accounted for by the said Commissioner; which sum of £344 15 10 Mr. Haywood retained in his hands from a belief that the freight of the Tobacco when sold, from Washington to the port of delivery, would be paid by the Commissioner, which however the tenor of the Contract with Constable, Rucker & Co., has not made necessary.

Your Committee therefore report the following resolution for the concurrence of the two Houses:

Resolved, That John Haywood, late Commissioner for purchasing Tobacco for the use of the public at the Town of Tarboro', be and he is hereby required to pay the aforesaid balance of £344 15 10, in equal proportion into the hands of Etheldred Phillips, Commissioner for purchasing Tobacco at the Town of Tarboro', and Egbert Haywood, Commissioner at the Town of Halifax, and

Resolved further, That the Comptroller be and he is hereby directed, on Mr. Haywood's producing to him the receipts of the said Commissioners for the aforesaid balance, to debit them with the same and finally to balance the accounts of him the said John Haywood, as Commissioner aforesaid, and the holder of his Bond given in this behalf is directed on application to deliver to him the same.

Your Committee find that of the 315 Hhds. of Tobacco stored at Washington by the said Commissioner two hundred and sixty-four

are delivered to the agents of the purchasers, amounting to 265,143 pounds nett at the time of delivery. That 48 Hhds. of the Tobacco which Mr. Blackledge converted to his own use, weighing 55,867 pounds, are yet to be accounted for and for which the Assembly are possessed of his Bond.

That 3 Hhds. weighing 2,986 lbs were refused and sold at vendue for the price expressed in the credits of this report; From whence we report that the loss in weight of this Tobacco from the time the same was purchased until it was delivered, occasioned by lying and damage is 25,693 pounds weight. Upon the whole your Committee are unanimously and clearly of opinion that the said Commissioner hath conducted himself uprightly and honestly throughout the whole of his transactions as such, and that he hath discharged his duty with fidelity towards the public.

All which is submitted.

S. CABARRUS, Chm.

Concurred with by the Committee of Finance and ordered to be reported to the House.

All which is submitted.

THOMAS PERSON, Chm.

The foregoing being read was concurred with & sent to the House of Commons.

Received from the House of Commons the following resolution:

Whereas, the General Assembly at their Session at Fayetteville passed a resolve directing the present Commissioner to sell all such Lands as had been sold by Benja. Sheppard, and the Law not fully complied with; in consequence of which resolution the present Commissioner for the District of New Bern has sold all the lands under the aforesaid description, whereby the former purchasers are deprived of the lands and the public still have possession of their Bonds;

Resolved, That the Comptroller be and he is hereby directed in all cases where the Commissioner has resold the Lands agreeable to the aforesaid resolution to restore or cancel the bonds given by the former purchasers.

On the reading of this resolution it was moved and seconded that it be rejected, this being objected to and on motion of Mr. Person

seconded by Mr. Crawford, ordered that the Yeas and Nays be taken which are as follows, to-wit:

For concurring with the resolve—Mr. Battle, Mr. Griffin, Mr. Williams, Mr. Sheppard, Mr. Ramsey, Mr. Boon, Mr. McCawley, Mr. Jordan, Mr. Bledsoe, Mr. Winston, Mr. Clinton, Mr. Kenan, Mr. Long, Mr. Irwin, Mr. Robinson, Mr. Martin, Mr. McDowall, Mr. Kennedy, Mr. Hargett, Mr. Foster, Mr. Willis.—21.

For not concurring—Mr. Mayo, Mr. Overton, Mr. Hill, Mr. Person, Mr. McAllister, Mr. Owen, Mr. Crawford, Mr. Gallaway.—8.
Adjourned till To-morrow Morning 10 o'clock.

THURSDAY, 20 Decr., 1787.

The House met.

Mr. Lenoir and Mr. Riddick, appointed on the part of this House to superintend the balloting for a Delegate to Congress, Councillor of State, &c., reported,

That having attended to the duties of their appointment, find on casting up the scrolls that Joseph McDowall, Esquire, is appointed Delegate to Congress from this State the ensuing year; John Mare, Esquire, Councillor of State; John McNair, Esquire, Judge of the Court for Davidson County; Thomas Overton, Esquire, Colonel of the Horse for the District of Fayette; David Dodd, First Major & James Porterfield second Major of the same; that Durham Hall is appointed first Major of the Horse in Halifax District & Robert Fenner second Major; that David Jones is appointed second Major of Horse for the District of Wilmington & James Moore, Vendue Master for the Town of Fayetteville.

The House taking this report into consideration, Resolved, They do concur therewith.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

The Superintendants of the balloting last evening have made a report by which it appears that several of the Persons balloted for have not a Majority of both Houses, to the end that a second balloting may be avoided we propose that all who have the greatest number of votes, as well for officers of Cavalry as other officers, may be deemed duly elected altho' the number of Votes fall short of a Majority of the Assembly.

The foregoing being read it was ordered that the following be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to the proposition of your Message on the yesterday's Balloting except as to the Judge of Port Swansboro, Colonel of the Horse for Washington District and Brigadier General for the district of Fayetteville, which we propose shall be balloted for at 4 o'clock, the Colonel of Washington District excepted, which we propose shall be postponed altogether, it not appearing to this House by the resignation of the Gentleman heretofore elected to that office that such an appointment is necessary.

Mr. Irwin presented the resignation of George Mitchell, Esquire, as Colonel of the Onslow regiment of Militia and Justice of the Peace; which was read, accepted & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House is now ready to receive Samuel Johnston, Esquire, in order to see him qualified and propose that the two Houses assemble together for this purpose. We have appointed Mr. Davie & Mr. Cabarrus to attend and conduct Mr. Johnston to the House.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the two Houses assemble together in order to qualify Samuel Johnston, Esqr., to his late appointment of Governor of this State and have appointed Mr. Person and Mr. Long to wait on and conduct him into their presence.

The two Houses being now convened in conference the Gentlemen appointed to wait on Mr. Johnston conducted him into their presence when, after taking the oath of allegiance to the State and oath of office, he withdrew.

Received from the House of Commons the Bill to prevent abuses in taking up stray Horses, Cattle, Hogs & Sheep. Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read was, on motion, rejected.

Received also, the report of the Committee to whom was referred the representation of John Haywood, Esquire, relative to the mis-

application of certain Tobacco by him purchased for the use of the State, accompanied by a Resolution entered into in consequence thereof; which was read, concurred with and returned.

Received likewise the Bill to amend the several acts of Assembly heretofore passed for giving a further time to Surveyors within the different Counties to make their Surveys and return plotts thereof to the Secretary' office and for giving a further time for the registration of certain Deeds issued from Lord Granville's office, and Marriage contracts therein mentioned. Endorsed, read the third time, amended and passed.

Ordered that this Bill be read, which being read was amended by consent of the House of Commons, passed the third time in this House and ordered to be Engrossed.

Mr. Person, from the Committee of Finance, reported as follows, to-wit:

That they have examined the representation of Robert Fenner, Esquire, Agent of the Continental Line of this State, setting forth that he has in possession a Warrant drawn by the Board of Treasury of the United States on William Skinner, Esquire, Commissioner of the Continental Loan Office in this State, for the sum of three thousand one Hundred and twenty Seven Dollars and fifty four Nineteenths Specie, which he is willing to negotiate for the paper Currency of this State. Your Committee are of opinion that His Excellency the Governor, be directed to issue a Warrant or Warrants on the Treasury for the amount to be paid to the said Agent out of the contingent fund, and that His Excellency deliver to the said Loan officer the Continental draft by him taken up, taking his receipt for the same as so much paid of this State's quota of the specie requisitions of Congress for the current year.

The Committee further report it as their opinion that it be recommended to the Governor to transmit without delay to the Commissioner of Continental Loans aforesaid, all such Bills & Drafts of the Board of Treasury of the United States for pay or arrears due the Continental Line of this State which he may have taken up, taking receipts of said Commissioner as before mentioned, and procure as early a credit as possible with the United States.

All which is submitted.

THO. PERSON, Chm.

The House taking the foregoing report into Consideration, Concurred therewith.

Received from the House of Commons the Bill to amend an act intitled "an Act to amend an act passed at New Bern December, 1785, for increasing the Jurisdiction of County Courts of Pleas and Quarter Sessions, and of Justices of the peace out of Court, and to direct the time of holding Courts in this State, and to appoint Jurors for the District of Wilmington." Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was amended, passed the third time in this House and returned.

Mr. Person, from the Committee of Finance, to whom was referred the Memorial of Stephen Moore, report,

That it appears to the Committee that Col. Moore did obtain from the United States in Congress Assembled, on the Eighteenth day of July, 1786, a recommendation to this State to pay him the sum of three Thousand Four Hundred and nine Dollars and 32-90 of a Dollar with Interest thereon until paid, from the first day of January, 1784.

The Committee are of opinion that the Governor be directed to issue a Warrant or Warrants on the Treasurer of the State for the amount aforesaid with Interest as aforesaid, and that His Excellency lodge with the Comptroller of the State the amount of the Warrant or Warrants so issued in order that the same may be charged to the United States.

All which is submitted.

THOMAS PERSON, Chm.

The House taking the foregoing report into consideration, concurred therewith.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This accompanies a Message of this day's date from His Excellency the Governor, with the resolutions of Congress therein referred to.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We propose that the Message from His Excellency the Governor,

of this day's date together with its inclosures, be referred to the consideration of a joint Committee and that they report To-morrow. We have appointed for this purpose on our part, Mr. Gallaway, Mr. Hargett, Mr. Johnston & Mr. Irwin.

Received from the House of Commons the Bill to impower the Wardens of the Poor for the County of Currituck to lay a Tax to enable them to settle their arrears due from the said County to persons who have supported the poor, and for electing Wardens of the Poor in the several Counties in this State where no such have been elected agreeable to Law. Endorsed, read the second time, amended and passed.

And the Bill to direct the application of such public Tobacco as is or may hereafter be purchased by Commissioners for that purpose appointed by the last General Assembly and to repeal the Thirteenth section of an Act Intituled "an Act for the regulation of Commerce." Endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read each was passed the third time in this House and returned.

Mr. Reddick, from the Committee to whom was referred the Petition of Benjamin Gaylard, reported as follows, to-wit:

Your Committee having examined the Petition of Benjn. Gaylard together with the deposition of Jesse Watters, are of opinion that the testimony is insufficient and that the said Petition ought to be rejected.

JOSEPH REDDICK, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. Gallaway, who had leave to withdraw for amendment the Bill to enable William Nall, Sheriff of Wilkes County, to collect all the Taxes due from the said County for the year 1785 & in the year 1786, and to allow him a further time for to settle for his collection with the Treasurer; and also for giving a further time to John May, Sheriff of Rockingham County, to collect the arrearages of the Sinking Fund and Continental Tax in said County, delivered in the same with the amendments; which was read, passed, the third time in this House and sent to the House of Commons.

Received from the House of Commons the Bill to extend an Act Intituled "an Act to pardon and consign to oblivion the offences and

misconduct of certain Persons in the Counties of Washington, Sullivan, Green & Hawkins." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received also the Bill directing the mode of Tryals upon impeachments, and the Bill for levying a Tax in the County of Brunswick for the purpose of building a Gaol therein. The first endorsed, read the second; and the last the third time, amended and passed.

Ordered that these Bills be read, which being read each was passed the third time in this House, the former returned and latter ordered to be Engrossed.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to ballot for the field Militia Officers at four o'clock this evening & nominate for

Anson County for Lt. Colo.—Thomas Wade & William Wood.

Burke County—Joseph McDowall, Lt. Colo.; Joseph White, 1st Major, David Vance, 2d Major.

Cumberland County—James Porterfield, Colo.; Nathan King, Lt. Colo.; James Moore, 1st Major; David McKeathen, 2d Major.

Beaufort County—Edmund McKiel, Lt. Colo.; Richard Respass, 1st Major; Thomas Smith, 2d Major.

Currituck County—James Phillips, Lt. Colo.; Andrew Drake, 1st Major; Thomas Poyner, 2d Major.

Chowan County—Josiah Copeland, Lt. Colo.; Charles Hunter, 1st Major; John Bond, 2d Major.

Camden County—Henry Forbes, Lt. Colo.; Jacob Taylor, 1st Major; Thomas Surry, 2d Major.

Franklin County—William Brickell, Lt. Colo. Comdt.; Jenkins Devaney, Lt. Colo.; Elijah Denby, 1st Major; William Christmas, 2d Major.

Johnston County—Arthur Bryan, Lt. Colo. Comdt.; Philip Rayford, Lt. Colo.; Hardy Bryan, 1st Major; John Whitley, 2d Major.

Martin County—Nathan Mayo, Lt. Colo. Comd't; John Ballard, Lt. Colo.; James Ballard, Lt. Colo.; Benj. Wheatley, 2d Major.

New Hanover County—John Larkins, Lt. Colo.; John Bloodworth, 1st Major; William Wright, 2d Major.

Pitt County—John Salter, Lt. Colo. Comdt.; Henry Ellis, Lt. Colo.; Sterling Dupree, 1st Major; Alexander Hardy, 2d Major.

Robeson County—Elias Barnes, Lt. Colo.

Warren County—John Hawkins, Lt. Colo. Comdt.; Nathaniel Macon, Lt. Colo.; Wyat Hawkins, 1st Major; James Gray, 2d Major.

Tyrrell County—Thomas McKay, Lt. Colo. Comdt.; Edmund Blount, Lt. Colo.; Friley Jones, 1st Major; Richard Howitt, 2d Major.

Davidson County—James Lewis, Lt. Colo.; Elijah Robeson, Lt. Colo.; Michael Kirkpatrick, 1st Major; David Ray, 2d Major.

Edgecombe County—James Scarborough, 1st Major; John Dolvin, 2d Major.

We agree to ballot again as by you proposed for Brigadier General for the District of Fayette & for a Judge for Port Swansborough, but are of opinion the Colo. of Cavalry for the District of Washington (agreeable to the former determination of the two Houses) is legally elected to that appointment.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We cannot by any means at this late hour of the Session, agree to ballot for the officers to command the different regiments of Militia in this State, as mentioned in your Message, but propose that they be recommended by the Members of the respective Counties as in case of Justices of the Peace.

We are now ready to proceed on the balloting proposed in our Message of this day's date, and cannot forego our determination with respect to the Colo. of Horse for the Washington District.

Should you approve of our proposition relative to the appointment of Field officers it is our opinion that strict attention be paid to the order of seniority.

Recd. also the following Message:

Mr. Speaker & Gentlemen:

We agree to your last Proposition relative to balloting this Evening for a brigadier Genl. and a Judge of the Marine Court for Port Swansboro'. As the Session is now too far advanced to proceed to ballotting for Field Officers we propose that the appointment of them be postponed till next Assembly.

With respect of the Col. of Cavalry for Washington district we

are clearly of opinion that agreeably to your own Message of yesterday, agreed to by this House, Mr. Hays was properly Elected as having the greatest altho' not a majority of the two Houses, to which Message together with the Governor's Message & Col. Taylor's letter on this subject, we beg leave to refer you.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

Your second Message on the subject of balloting we have received. As to your proposition relative to postponing the balloting for officers of the several Counties we do not either reject or agree to, but refer you to a clause annexed to the bill for enlarging the jurisdiction of the County Courts, to which if you agree the necessity of choosing these officers by Ballot will be done away. We propose that the appointment of a Col. of the Horse for Washington district be deferred till next Assembly, the two Houses not being fully possessed of every necessary information on this Hand. We are now ready to proceed on the balloting as agreed on.

The two Gentlemen appointed on the part of the House to examine the Engrossed Bills having obtained leave of absence, we have app'd Mr. Johnston & Mr. Hill to attend to this business.

Received from the House of Commons the Memorial of William Blount, Esq. Endorsed, referred to Mr. McDowall, Mr. Polk and Mr. Davie, which being read was, on the part of the Senate, referred to Mr. Winston, Mr. Mayo & Mr. McCawley.

Also the Petition of A. Hodge. Endorsed, referred to Mr. Tatum & Mr. Whitfield; which being read was referred on the part of the Senate to Mr. Hargett & Mr. Bledsoe.

And the Memorial of the Public Treasurer. Endorsed, referred to Mr. Baker, Mr. Creecy & Mr. Lindley; which being read was, on the part of the Senate, referred to Mr. Willis, Mr. Foster and Mr. Kennedy.

Received likewise a report of the Committee on the petition of William Alexander & report of the Committee appointed on the petition of Mary Balfour. Each endorsed, read and concurred with; which being read were concurred with and returned.

Received also a resolution in favour of Thomas Bridges; a resolution in consequence of the report of the Committee on John Arm-

strong's Memorial and a resolution in favour of Wm. Armstrong; which being read, the first was concurred with and returned, and the two last rejected.

Received also a resolution directing the Clerks of the two Houses to deliver the Secretary of State all dispatches from Congress in their possession; which was read, concurred with and returned.

Mr. Lenoir, from the Committee to whom was referred the Memorial of the Field Officers of Davidson County, reported as follows:

That they have examined the accounts laid before them by Col. Robertson and find them fairly stated, and that the whole of the Militia Services performed by the Inhabitants of said County agreeably to said accounts, including Provisions furnished, amounts to two thousand Six Hundred Twelve Pounds 18s 2d; that the accounts rendered by Col. Bledsoe for services performed in the Militia by the Inhabitants of Sumner County (then Davidson) including Provisions furnished, appears also to be fairly stated and amounts to three Hundred and twenty-five pounds one shilling and Ten pence, and that the total amount of the whole is Two Thousand Nine Hundred and thirty Eight pounds.

Your Committee are therefore of opinion that the Comptroller be directed to issue certificates to the respective individuals, agreeable to the annexed pay rolls, for the amount of pay due to them in consequence of such services; also to such Persons as have furnished provision and other necessaries for the use of said Troops agreeable to the accounts and Vouchers herewith rendered.

All which is submitted.

WM. LENOIR, Chm.

The House taking the foregoing report into Consideration, concurred therewith.

Received from the House of Commons the report of the Committee on the Petition of Benjn. Gaylard; the report of the Committee on the Memorial of Francis Child; the report of the Committee on the account of Robert Rowan; the report of the Committee on the Comptroller's return of Confiscated Property; the report of the Committee on the petition of Stephen Moore; the report of the Committee on the Memorial of the Exers. of Genl. Davidson; the report of the Committee on the petition of Daniel Shaw; the report of the Committee on the representation of John Haywood, and the report of

the Committee on the Petition of Wm. Wootton. Respectively endorsed, read and concurred with.

Received also the resolution of this House requiring the Secretary of State to call on all Persons having in their hands books of record belonging to his office; & the report of the Committee on the petition of James Mulloy. Endorsed, read & concurred with.

Also the report of the Committee on the Memorial of John Armstrong, Entry Taker. Likewise endorsed, concurred with.

Adjourned till To-morrow Morning, 10 o'clock.

FRIDAY, 21 Decr., 1787.

The House met according to adjournment.

Mr. Person, from the Committee of Finance, delivered in the following report:

The Committee of Finance, to whom was referred the Memorial of John Geddy, Esqr., late Sheriff of Halifax County, report,

That it appears to them Mr. Geddy did receive in payment of public Taxes for the year 1785, sundry due Bills issued by the Commissioners of Army accounts at Warrenton, in the year 1786, to the amount of four Hundred and Ten pounds, also three pension Certificates, all which the Treasurer has refused to receive in settlement of his account on these principles, viz: that the due bills were of the number of those condemned by the last General Assembly and the pension Certificates were granted for arrears or back pay from the first of January, 1782.

The Committee are of opinion that as Mr. Geddy did receive said due Bills prior to his having any knowledge of their being fraudulent and with the express approbation of the late Treasurer, and as the pension Certificates were issued from the Commissioners under a misconstruction of the law making provision for Invalids, the Treasurer be directed and authorized to receive said two Bills and Certificates in settlement of said accounts, & that Mr. Geddy shall deliver with his accounts a list of said due Bills, on oath that he had actually received them as set forth in his Memorial with the names of the Persons from whom the same were respectively by him received, in order that if they shall hereafter appear to have been fraudulently obtained the State may have remedy of the Persons so obtaining the same.

Your Committee are further of opinion that the Treasurer be di-

rected to receive in settlement of accounts with all Sheriffs who may tender them, such pension Certificates as they may have received in payment of public Taxes prior to the present resolve, the said Sheriffs respectively taking an oath, which the Treasurer shall be empowered to administer, that they had actually received such Certificates in payment of public taxes before the passing said resolve.

And further your Committee recommend, that the Comptroller be directed in future settlements with pensioners, where it shall appear that allowances have been made for arrearages prior to the passing of the Law for granting pensions, to deduct from such future allowances all such sum or sums as shall to him appear to have been granted contrary to Law; and that the Treasurer furnish him with compleat List of all Pensions by him paid together with a State of the time for which such allowances were made; also that the Clerks of the two Houses transmit as soon as may be to the Commissioners for granting pensions in the several districts, the Sense of this Committee on the Law for granting pensions.

All which is submitted.

THO. PERSON, Chm.

Mr. Willis and Mr. Riddick, appointed on the part of this House to superintend the balloting for a Brigadier General for the district of Fayette and Judge of the Marine Court for the Port of Swansborough, reported as follows, to-wit:

That having executed the duties of their appointment find on casting up the Scrolls that Richard Clinton, Esquire, is appointed Brigadier General for the District of Fayette, and Reuben Snead, Esq., Judge of the Marine Court for the Port of Swansborough, by a Majority of Votes.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Mr. Gallaway, who had leave to withdraw for amendment the Bill to extend an Act Intituled "an Act to pardon & consign to oblivion the offences and misconduct of certain Persons in the Counties of Washington, Sullivan, Green & Hawkins," delivered in the same with the amendments; which was read, passed the third time & sent to the House of Commons.

Mr. Person, from the Committee delivered in the following report, That having taken into consideration the said Petition it appears

from the information of Col. McCawley & Col. Mebane that the facts contained therein are true.

They therefore recommend that the Monies paid by the Husband of the said Eliza Williams in his life time, as interest due on his Bond given to the public for the Lott Mentioned in said Petition amounting to twenty-six pounds, be refunded to the said Eliza Williams on her making a reconveyance of the said Lott to the public.

THO. PERSON, Chm.

The Committee to whom was referred the representation of Hardy Murfree, Esquire, Commissioner of Confiscated Property for the district of Edenton, report,

That having taken under consideration the representation, it appears by the information of Col. Hardy Murfree that the Surveyor of Tyrrell County made a return to him as Commissioner aforesaid, of two thousand and thirty-two Acres of Land which he had surveyed as the property of Governor White of the West Indies, which said lands were sold agreeable to said return. It further appears that on complaint made to the Commissioner by a certain Thomas Buncomb, that part of the above mentioned Lands was his property, a recovery was had by which it appears that only one thousand & sixteen Acres of said Land was the property of the above mentioned Governor White.

Your Committee are therefore of opinion that the Governor be directed to issue a grant in favour of the purchaser agreeable to the last mentioned Survey and that the Commissioner of Confiscated property make a proportionable deduction out of the purchase Money on his settlement with the purchaser, respect being had to the number of Acres Sold, and that such deduction be allowed the Commissioner in his settlement with the public.

All which is submitted.

THO. PERSON, Chm.

The Committee to whom the Petition of Edmund Blount was referred, report,

That having taken under consideration the said Petition & examined the papers produced in support of the same, together with the information of Col. Nicholas Long, they are of opinion that the facts are not properly supported, therefore reject the Petition.

All which is submitted.

THO. PERSON, Chm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Mr. Person, from the Committee of Finance, to whom was referred a representation of the Comptroller & State of ballances due the State from Sundry Individuals, report,

That they are of opinion where it shall appear to the Comptroller and Treasurer, or either of them, that where bonds shall have been given Specifying that Certificates should be received in discharge thereof, in that case Certificates shall and may be received, and where Money shall be expressed in such Bond Money shall only be received in discharge thereof, and that this shall extend to accounts liquidated which stand open against Individuals in all cases whatsoever.

All which is submitted.

THOMAS PERSON, Chm.

The House taking this report into consideration, Resolved, That they do concur therewith.

Mr. Willis, from the Committee to whom was referred the representation of the public Treasurer of yesterday's date, report:

That they have considered the same and are clearly of opinion that the Treasurer was not only justifiable but was compelled to take up the Warrant granted to Col. Long which is mentioned in the representation, for as there was and still is a positive Law both for the granting and payment of such Warrants the Treasurer was not at Liberty to refuse it. Your Committee are however of opinion this Law should not hereafter be carried into execution, but that part thereof which directs the granting Commissioners of Confiscation Warrants on the Treasury for their Commission should be repealed.

Your Committee are further of opinion that the reports of the balance due by sundry Individuals yesterday laid before the Assembly by the Treasurer, ought not to be put in suit. As to the fines imposed at Warrenton and which are yet unaccounted for, it is the opinion of your Committee that the Treasurer bring suit for them without delay, in whatsoever Hands the Monies may be.

All which is submitted.

J. WILLIS, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the Bill for Levying a tax for the support of Government, & for the redemption of the old paper Currency, Continental Money, & Specie & other Certificates. Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read was amended, passed the third time in this House & returned.

Resolved, That as soon as John Johnston shall pay into the Hands of the Treasurer the sum of one Thousand and Eight-eight pounds Current Money, or give his bond with Security to the Treasurer for that Law payable to the Governor and his Successors for the use of the State agreeable to the report of the Committee concurred with by both Houses, That he be released from the obligation given by him to the Commissioner of Confiscated property for the District of Edenton and that the Commissioner deliver up the same to the said John Johnston to be cancelled.

Sent for Concurrence.

Received from the House of Commons the following reports, to-wit:

The report of the Committee on whom the representation of the Comptroller & return of Debts due the State; the report of the Committee on the Petition of Eliza Williams; The report of the Committee on the representation of Hardy Murfree; The report of the Committee on the Petition of Edmund Blount, and the resolution of this House in favour of Peter Goodwin. Respectively endorsed, read & concurred with.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have concurred with the report on the representation of Mr. Fenner as by you amended. We conceive the part you have struck out should be adopted, as it will certainly produce a Specie credit with the United States which cannot be obtained by other means with as much facility; we therefore take the liberty of recommending the reconsideration thereof and that it be again inserted.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We cannot agree to resume the consideration of that part of the

report of the Committee on the representation of Robert Fenner as was rejected by this House.

Mr. Hargett, from the Committee appointed on the Memorial of Hodge and Blanchard, Public Printers, reported as follows:

That they have examined the premises to them committed and are of opinion that owing to the Multiplicity of the business of the last Session the public printers were ordered to perform many additional services besides those expressed in the Law ascertaining their duty, and your Committee conclude that considering the difficulties of procuring paper, Types, &c., it is reasonable that the sum of one Hundred and Fifty Pounds be allowed them in compensation for the following & other extra services, viz: Publishing the accounts of the late Treasurer which are added to the Journals, furnishing one Hundred and fifty Copies of Baron Steuben's Military Instructions, fifteen Hundred Copies of the Federal Constitution and three Hundred Resolves for calling a Convention.

Your Committee therefore recommend the following resolve:

Resolved, That the Treasurer be and he is hereby authorized and required to pay A. Hodge and Blanchard the sum of one Hundred and Fifty Pounds in full consideration for the extra services as set forth in their Memorial and agreeably to the report of the Committee thereon.

All which is submitted.

FREDERICK HARGETT, Chm.

The House taking the foregoing report into consideration, Resolved, That they do concur therewith.

Received from the House of Commons the report of the Committee on the petition of John Geddy, and the report of the Committee on the Petition of the Field Officers of Davidson County. Endorsed, Concurred with.

Also a report of the Committee appointed to examine and cause to be destroyed money in the Hands of the Treasurer unfit for further circulation; which being read was concurred with and returned.

On reading the proposition of the House of Commons relative to a reconsideration of the report of the Committee on the representation of Robert Fenner, which part is as follows, to-wit: Mr. Fenner further proposed to the Committee to negotiate on the foregoing principles to the amount of seventeen Thousand Dollars, which they are of

opinion, and they recommend, that his Excellency the Governor, be directed to issue Warrants on the contingent fund for the whole amount or such part thereof as said fund may be enabled to discharge, regard being had to other drafts which must be actually paid out of said fund, and taking receipts of the Commissioner of the Loan Office as aforesaid.

Received from the House of Commons the bill for the more regular collecting and accounting for the revenues of the State, for allowing the public Treasurer a Clerk and for the Collection of arrearages. Endorsed, read the second time, amended & passed.

Ordered that this Bill be read, which being read and amended, was passed the third time in this House and returned.

Mr. Jordan, from the Committee, delivered in the following reports, vizt:

The Committee of Propositions and Grievances, to whom the Petition of Richard Good, Sheriff of Surry County, was referred, report,

That the said Good by his Petition, charges that for the year 1785 he collected the Taxes for the said County, that in a Settlement with the Treasurer he could not obtain interest in the Certificates for part of said Taxes to a higher period than the first of June in each year altho' by Law he was not allowed to settle with the Treasurer until the first week in August.

Your Committee taking the matter in consideration are of opinion that the said Good is not entitled to Interest on the Certificates by him so collected and paid after the first day of June, the time appointed by Law for the settlement with the Collectors, wherefore they recommend that the said Petition be rejected.

JNO. JOHNSTON, Chm.

The Committee of Propositions and Grievances, to whom was referred the Petition of John Humphries, report that in the year 1781 two Hogsheads of Rum and spirits were impressed for the use of the State from the said Humphries in the Town of Halifax, that at the Wake Assembly in the year aforesaid, he made application for payment and was allowed therefore. The said Humphries failing to introduce any Testimony or supporting the Charge by his own Oath that he hath not received the allowance made as above is a sufficient inducement for your Committee to recommend that the said Petition be laid over till the next Assembly.

JNO. JOHNSTON, Chm.

The House taking the foregoing reports into consideration, Resolved, That they do concur therewith.

Received from the House of Commons a resolve on the subject of the Navigation of the Mississippi; a resolve directing the Comptroller to deliver a Certificate in his possession, Issued in the name of Thomas Amis, to Timothy Bloodworth, Esqr.; a resolve allowing Wyche Good a certain Sum, and a resolve directing the Public Treasurer to publish the amount of Current Money Burned at the present Assembly; which being read, were Concurred with and returned.

Mr. Irwin, from the Committee to whom was referred the Memorial of John Brevard, report:

That the said Brevard was Sheriff for Rowan County for the year 1782, that he collected the Taxes for the said year in Specie and cloathing Certificates, that from sundry casualties happening to the district Treasury officer he was prevented making final settlement of his accounts and that he made application to the State Treasurer who concurred that it was not authorized by Law to settle accounts of so early a date, by all which means the accounts of the said Brevard remain unsettled. Your Committee therefore, taking these things into consideration, are of opinion that the present Treasurer be directed to settle the same agreeable to an act of the Assembly made for that purpose, together with the resolve of 1783.

It is therefore resolved, That the State Treasurer receive from the said Brevard the Clothing Certificates which he may have received in said Tax and whatever balance may remain in the present Specie Certificates of this State, without interest.

ROBERT IRWIN, Chm.

The House taking the foregoing report into Consideration, Resolved That they do concur therewith.

Received from the House of Commons a report of the Committee appointed to burn such of the Current Money of this State now in the Hands of the Treasurer as is unfit for circulation; & a report of the Committee appointed on the Memorial of William Blount, Esquire, which were read, concurred with and returned.

Received also, a resolution directing the Comptroller to remove the public papers in his possession to Hillsboro; and a resolution expressive of the thanks of the General Assembly to the Honble Richard

Caswell, Esquire, late Governor of this State for his faithful services; which being read each was concurred with & returned.

Mr. Person, from the Committee to whom was referred the Memorial of John Willis, reported as follows, to-wit:

That having taken the same into consideration & examined the papers laid before them in support thereof, It appears that of the property of the said John Kersey there was sold to a greater amount than the debt claimed by the Memorialist, and the Money actually paid into the Treasury.

Your Committee are therefore of opinion that the Treasurer be directed to pay to the said John Willis the sum of fifty-five pounds fifteen Shillings and four pence, it being the amount of the sum due from said John Kersey's Estate to the Memorialist.

THO. PERSON, Chm.

The House taking the foregoing report into consideration, concurred therewith.

Received from the House of Commons a report of the Committee to whom was referred the Message of his Excellency the Governor, relative to the Artillery of this State; and resolution reappointing the Commission for purchasing Tobacco; which were read, concurred with and returned.

On motion resolved, That the Estate of Henry Montfort, which was sequestered by an Act of the General Assembly, be released from the same on his giving bond and approved security to the Governor for the amount of all new due Bills and Certificates which may appear on an investigation to have been unlawfully drawn by said Montfort out of the public Treasury of this State; and it is further Resolved, That the said Montfort may if he thinks proper, give landed and Negro security, such as shall be approved of by the Governor.

Sent for concurrence.

Mr. Irwin, from the Committee to whom was referred the claim of James Davis, report:

That they have taken the same under consideration and examined the several papers laid before them, by which it appears that the Auditors of the New Bern district did in the year 1782, issue in favour of James Davis a Certificate for the sum of two Hundred & thirty three Pounds 6 shilling 8 pence for sundries.

Your Committee are of opinion, as they have not been fully in-

formed whether the said Certificate was issued for his services as Public Printer or for Specific supplies, that it be over laid until next Assembly for a more full information on the subject.

All which is submitted.

ROBT. IRWIN, Chm.

The House taking the foregoing report into consideration, Concurred therewith.

On reading a Message from the House of Commons for raising a tax on Lands from one Shilling on the Hundred Acres, as it went from this House, to three West of the Apalachian Mountain, it was proposed that the proposition be rejected; which being determined on was carried in the affirmative. It was then proposed that it be made two Shillings, which being objected to and the question taken thereon, was also carried in the affirmative; whereupon on motion of Mr. Kennedy, seconded by Mr. Person, Ordered that the yeas and nays be taken on this question which are as follows, to-wit:

For the motion—Mr. Mayo, Mr. Battle, Mr. Griffin, Mr. Williams, Mr. Overton, Mr. Boon, Mr. Mooring, Mr. McCawley, Mr. Moore, Mr. Jordan, Mr. Clinton, Mr. Winston, Mr. Person, Mr. Kennedy, Mr. Relfe, Mr. Reddick, Mr. Willis and Mr. Mitchell.—18.

Against the motion—Mr. Ramsay, Mr. Lenoir, Mr. Bledsoe, Mr. Berger, Mr. Long, Mr. Irwin, Mr. Robinson, Mr. Martin, Mr. Owen, Mr. Miller, Mr. McDowall, Mr. Gallaway, Mr. Kennedy, Mr. Hargett, Mr. Foster.—15.

Received from the House of Commons the following reports, to-wit:

The report of the Committee on the Petition of the Public Printer;

The report of the Committee on the Petition of Richard Good;

The report of the Committee on the Petition of John Humphries;

The report of the Committee on the petition of John Brevard;

The report of the Committee on the representation of Robert Fenner;

The Resolution of this House in favour of Henry Montfort. Respectively endorsed, concurred with.

Also a resolution directing the Clerks of the Assembly to furnish the several officers of State the resolutions respecting their departments, which being read and concurred with was returned.

Received likewise a resolution permitting the Secretary of State to

continue his office at the usual place until the seat of Government shall be fixed, which being read was rejected.

Received likewise the following Message:

Mr. Speaker & Gentlemen :

We propose that the report of the Committee on the papers relative to the Indian Treaties be amended by annexing the Clause herewith sent to the recommendation of the Committee.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c. :

We agree to your proposition relative to the amending the report of the Committee on Indian Treaties and have sent it herewith, in order that you may enter your concurrence thereto.

On motion of Mr. Gallaway, ordered that the following resolution be entered into and sent to the House of Commons:

Whereas, it is represented to the General Assembly that sundry good Citizens of this State have heretofore contracted with Thomas Polk and other agents of Henry Eustace McCulloch for lands, and gave their Bonds and other assurances for the payments of the purchase money, and also received obligations conditioned that titles to the same should be made to them. And whereas, it is but just and reasonable that they should have titles executed to them on their paying into the public Treasury the full amount of the purchase money, with Interest thereon from the time the payment ought to have been made until paid. And whereas, this Session of Assembly is now so far advanced as to render it impracticable to bring forward a Bill to be passed into a Law for that purpose, wherefore,

Resolved unanimously, That in all cases when it shall appear to any of the Commissioners of Confiscated Estates that any of the present possessors being claimants of any land supposed to be Confiscated, ground their claims to the same in consequence of Contracts made as aforesaid, the said Commissioners are hereby directed and required to forbear exposing the same to sale until the end of the next General Assembly, and that they report the same, with the Bonds and claims, together with such facts relating thereto as shall come to their knowledge, to the next Assembly, to the end that the same may be fully investigated.

NOTE—The concluding part of this Journal is lost.—Ed.

SENATE JOURNAL---1788.

At a General Assembly begun and held at Fayetteville on the third day of November, in the year of our Lord One Thousand Seven Hundred and Eighty-eight, and of the Independence of the United States the thirteenth, it being the first Session of this present Assembly.

The returning officers for the several Counties in this State certified that the following persons were duly elected to represent such Counties in the Senate, Viz.:

Anson, John Auld;
Beaufort,
Bertie,
Brunswick, Lewis Dupree;
Bladen,
Burke, Cha. McDowall;
Craven, Benj. Williams;
Cumberland, Alex. McAlister;
Carteret, Joseph Hill;
Currituck,
Chowan, Cha. Johnston;
Camden, Isaac Gregory;
Caswell, Robert Payne;
Chatham, Ambrose Ramsey;
Dobbs, Richard Caswell;
Duplin, Jas. Kenan;
Davidson, Jas. Robertson;
Edgecombe, Etheldred Gray;
Franklin, Thomas Brickell;
Guilford, Alex. Martin;
Granville, Memucan Hunt;
Gates, Jos. Reddick;
Greene, Jas. Roddy;
Halifax,
Hertford, Robt. Montgomery;
Hyde,
Hawkins, Thomas Amis;
Johnston, Arthur Bryan;

Jones, Fred Hargett;
Lincoln, Joseph Dixon;
Moore, Thomas Overton;
Martin,
Mecklenburg, Joseph Graham;
Montgomery, David Nisbett;
Northampton, John Binford;
New Hanover, Timothy Bloodworth;
Nash, Redmond Bunn;
Onslow, Thomas Johnston;
Orange, Wm. McCawley;
Pasquotank, Joseph Keeton;
Perquimans, Thomas Harvey;
Pitt, Wm. Blount;
Rowan, Basil Gaither;
Randolph, Thos. Dugan;
Richmond,
Rutherford,
Rockingham,
Robeson, John Willis,
Surry, John Armstrong;
Sullivan,
Sampson,
Sumner,
Tyrrell,
Washington, John Tipton;
Warren, John Macon;
Wayne,
Wake, Joel Lane;
Wilkes, William Lenoir.

Pursuant to which the following Members appeared, presented their Certificates of their Election, were qualified agreeably to Law & took their Seats, Viz.:

Lewis Dupree, Charles McDowall, Benjamin Williams, Alexander McAlister, Charles Johnston, Isaac Gregory, Robert Payne, Ambrose Ramsey, Richard Caswell, James Kenan, James Robertson, Ethelred Gray, Thomas Brickell, Alexander Martin, Memucan Hunt, Joseph Reddick, James Roddy, Robert Montgomery, Thomas Amis,

Arthur Bryan, Frederick Hargett, Joseph Dickson, Thomas Overton, Joseph Graham, David Nesbitt, John Binford, Timothy Bloodworth, Redmond Bunn, Thomas Johnston, William McCawley, Joseph Keaton, Thomas Harvey, William Blount, Basil Gaither, Thomas Dugan, John Willis, John Armstrong, John Tipton, John Macon, Joel Lane, William Lenoir.

Mr. Caswell proposed for Speaker the Honourable Alexander Martin, Esquire, who was unanimously chosen and placed in the Chair accordingly.

On motion, S. Haywood was appointed Clerk and Montford Stokes Assistant.

At the same time William Murphy and Nicholas Murphy were appointed Doorkeepers.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Senate are now formed and ready to proceed on public business.

Adjourned till To-morrow Morning 10 O'Clock.

TUESDAY, 4th Nov., 1788.

The House met.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House have received the Message of the Senate acquainting them that that House is formed and ready to proceed on the dispatch of public business. In answer to which we inform you this House is also formed.

Mr. Willie Jones, the Member for the County of Halifax, Mr. John Auld the Member for the County of Anson, Mr. Richard McKinnie the Member for the County of Wayne, and Mr. Hardy Holmes the Member for the County of Sampson, appeared, presented the Certificates of their Election, were qualified agreeably to Law & took their Seats.

On motion of Mr. Macon, seconded by Mr. Blount, it was ordered that the following Message be presented His Excellency the Governor, first having the approbation of the House of Commons:

To His Excellency Samuel Johnston, Esquire, Governor, Captain-General, &c., &c. :

SIR :

The General Assembly inform your Excellency that they are now convened & ready to receive such Dispatches & other Public Matters as you may have to lay before them.

Mr. Speaker & Gentlemen :

The Message which accompanies this we propose shall be presented His Excellency the Governor, should it meet your Concurrence. Mr. Blount and Mr. Williams will, on the part of the Senate, attend and present him with the same.

On motion, Resolved, That Mr. Macon, Mr. Caswell, Mr. Gregory, Mr. McDowall, Mr. Jones, Mr. Lenoir & Mr. Charles Johnston be a Committee of Privileges and Elections.

Received from the House of Commons the following Message :

Mr. Speaker & Gentlemen :

We have agreed to the Address proposed to be presented to His Excellency the Governor, and appointed Mr. Cabarrus & Mr. Steele to attend His Excellency with the same.

On motion, Ordered that the following Message be sent to the House of Commons :

Mr. Speaker, &c. :

We have appointed Mr. Dixon, Mr. Graham, Mr. Hunt, Mr. Harget, Mr. Tipton, Mr. Dupree & Mr. Brickell a Committee of Claims, who will act jointly with such Gentlemen of the House of Commons as may be appointed for this purpose. We have also appointed Mr. Lane, Mr. Overton, Mr. Montgomery, Mr. McKennie, Mr. Ramsey, Mr. Reddick & Mr. Holmes a Committee of Propositions and Grievances.

On motion of Mr. Willie Jones, seconded by Mr. Caswell, it was ordered that the following Message be sent to the House of Commons :

Mr. Speaker & Gentlemen :

We propose that a joint Committee be appointed to consider of and report what Bills of a general nature are necessary to be passed into Laws at the present Assembly, and to prepare and introduce the same ; for this purpose we have appointed Mr. Charles Johnston, Mr. Cas-

well, Mr. Jones, Mr. Lenoir, Mr. Bloodworth, Mr. Hunt, Mr. Willis, Mr. Amis & Mr. Gaither.

Received from the House of Commons the following Message:
Mr. Speaker & Gentlemen:

We propose that a Committee be appointed from both Houses to enquire into the present State and Condition of the Public revenue and to make a report thereon. We have on our parts appointed Mr. Tatum, Mr. Cummings, Mr. Joseph McDowall, senior, Mr. Skinner, Mr. Edward Jones, Mr. Lindley, Mr. Wm. McClain, Mr. Barnes, Mr. Bethell, Mr. John Jones, Mr. Edward Williams, Mr. McDowall, junior, and Mr. Branch. We have appointed Mr. Stewart, Mr. Phillips, Mr. Lennard, Mr. Porter, Mr. King, Mr. Phifer, Mr. Hinton, Mr. Harvey, and Mr. Joseph McDowall to act with the Gentlemen you have appointed as a Committee of Claims. We have also appointed Mr. Person, Mr. E. Robinson, Mr. Phifer, Mr. Hardyman, Mr. Dauge, Mr. Sanders, Mr. Creecy, Mr. Everagin & Mr. John Brown to act on our parts as a Committee of Propositions and Grievances.

Mr. Speaker laid before the House a Letter from Francis Child, Esquire, Comptroller of this State, setting forth the progress he had made and manner of adjusting the accounts of this State with the United States, which being read was, on the part of the Senate, referred to Mr. Gregory, Mr. Jones, Mr. Caswell and Mr. Blount and sent to the House of Commons for their Concurrence on such reference.

Received from the House of Commons a Resolution directing that the Committee appointed to enquire into the State and condition of the public revenue do also report the Nett proceeds of our Revenues, and the amount and nature of our public debts; which was read, Concurred with and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We have on our parts appointed Mr. Person, Mr. Jas. Stewart, Mr. Cabarrus, Mr. Steele, Mr. Graves, Mr. Cumming, Mr. Joseph McDowall, Mr. Gowdy, Mr. Mebane & Mr. Horn, to act with the Gentlemen by you appointed as a Committee to consider of and report what Bills of a public nature are necessary to be passed into Laws at the present Session and to prepare the same.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree with you in the appointment of a Committee to enquire into the present state and condition of the public Revenues, and have nominated Mr. Blount, Mr. Williams, Mr. Macon, Mr. Gregory, Mr. Graham and Mr. Hunt, who will act jointly with the Gentlemen by you named for this purpose.

On motion of Mr. Macon, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

It is the sense of this House that three Engrossing and Committee Clerks be made choice of by Ballot this Evening at 4 O'Clock, and Nominate Mr. Abisha Thomas, Mr. Curtis Ivey, Mr. Pleasant Henderson, Mr. James Rhodes & Mr. Joseph Dixon.

We also propose that those three who on casting up the Poll shall appear to have the greatest number of votes, be deemed duly elected, tho' they fall short of a Majority of the Votes of the two Houses; should these propositions meet your approbation, Mr. Overton and Mr. Dupree will, on the part of the Senate, conduct the balloting. We further propose that the Superintendents, in order to save time, wait on the Houses separately to receive the ballots.

Received from the House of Commons the following Message, in answer to the above:

Mr. Speaker & Gentlemen:

We concur with your proposition relative to the Election of Engrossing and Committee Clerks and have on our parts appointed Mr. Ward and Mr. Hawkins to superintend the balloting.

Mr. Speaker laid before the House a Letter from the Hon'bl. Samuel Spencer, enclosing several Presentments of the Grand Jury of Morgan District; which being read were ordered to be sent to the House of Commons.

Adjourned till 4 O'Clock P. M.

The House met according to Adjournment.

On motion of Mr. Bloodworth, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We are now ready to proceed on the balloting as heretofore agreed

on and have added the name of Duncan Ockeltree to the nomination for Clerk.

On motion of Mr. Macon, seconded by Mr. Bloodworth, Ordered that the following rules of decorum be observed by the Senate during the present Session of Assembly, viz. :

1. When the Speaker is in the Chair, every Member may sit in his place with his head covered.

2. That every Member shall come into the House uncovered, and shall continue so at all times but when he sits in his place.

3. No member in coming into the House or removing from his place, shall pass between the Speaker and any Member speaking; nor shall any Member go across the House, or from one part thereof to the other, whilst another is speaking.

4. When any Member intends to speak he shall stand in his place uncovered and address himself to the Speaker, but shall not proceed to speak until permitted so to do by the Speaker, which permission shall be signified by naming the Member.

5. When any Member is speaking, no other shall stand or interrupt him, but when he has done speaking & taken his seat, any other Member may arise observing the rules.

6. When the Speaker desires to address himself to the House, he shall rise and be heard without interruption and the Member then speaking shall take his seat.

7. If more than one member attempt to speak at any time, the Speaker shall determine which was first up.

8. When any question shall be before the House, and not perfectly understood, the Speaker may explain, but shall not attempt to sway the House by argument or debate.

9. No Member speaking to be disturbed by coughing, spitting, conversation or otherwise, and whoever by Speaking, hissing or in any other manner wilfully or carelessly disturbeth or interrupteth any Member on the floor, he shall answer it at the bar, and be liable to be censured by the Speaker.

10. He that digresseth from the subject to fall on the person of any Member shall be suppressed by the Speaker.

11. Exceptions taken to offensive words, to be taken the same day they shall be spoken and before the member who spoke them shall go out of the House.

12. Whatever is spoken in the House may be subject to the censure of the House.

13. Whenever any matter is in debate before the House, it shall be determined or postponed before any new business shall be introduced.

14. The order of the day shall not be postponed to take up any other business, unless with the unanimous consent of the House, or by calling the previous question.

15. No heats or Animositities shall be permitted in the House.

16. No member shall speak more than twice without leave on the same question, unless it be in a Committee of the Whole House.

17. No question shall be put on any motion unless seconded.

18. Every member making any motion which is not of course, shall before making such motion reduce the same to writing.

19. If there should be an inequality of votes for & against any question, the Speaker shall declare whether he be a Yea or Nay, but shall in no other case give his vote.

20. No Member shall depart the service of the House, without leave first obtained & signified by the Speaker, nor having leave shall stay longer than the time limited, under the penalty of forfeiting his pay as a Member & being sent for to undergo the further censure of the House.

Received from the House of Commons the Letter and representation of Francis Child, Esquire. Endorsed, read and referred on the part of this House to Mr. Cabarrus, Mr. Person, Mr. Mebane, Mr. Steele, Mr. Gowdy, Mr. Williams, Mr. E. Jones & Mr. Cummings.

Mr. Rich. Singleton, the Member for the County of Rutherford, appeared, produced the Certificate for his Election, qualified agreeably to Law and took his Seat.

On motion of Mr. Bloodworth, Ordered that Mr. James Kenan have leave to absent himself from the service of this House.

Adjourned till To-morrow Morning 10 O'Clock.

WEDNESDAY, 5th Nov., 1788.

The House met.

Mr. Overton and Mr. Dupree, appointed on the part of this House to conduct and superintend the Balloting for Engrossing and Com-

mittee Clerks, delivered in the following report: That having executed the business of their appointment they find on casting up the Poll, that Mr. Pleasant Henderson, Mr. Curtis Ivey and Mr. Abisha Thomas were made choice of by a Majority of votes.

The House taking this report into consideration, concurred therewith.

Mr. Dupree presented the Petition of Sarah Dupree of Brunswick County; which was read, referred on the part of this House to the Committee of Claims, & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

This House have added Mr. Cabarrus to the Committee appointed to enquire into the present State and condition of the Public revenues.

Received also a Memorial of John Williams, a Memorial of William Courtney, and a Memorial of William Jameson. Each endorsed, referred to the Committee of Propositions and Grievances; which being read, were severally referred in like manner and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We herewith send you a File of Papers, Endorsed "papers relating to the Inhabitants on the Western Waters," part of the papers transmitted by His Excellency the Governor, which we propose referring to a select Committee and have appointed on the part of this House, Mr. McDowall, Mr. Hamilton, Mr. McDowall, Jun., Mr. Caldwell, Mr. Sawyer, Mr. Steele, Mr. Stewart, Mr. McClain and Mr. R. Robertson.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree with you in referring the Papers laid before this Assembly by His Excellency the Governor, relative to the Inhabitants on the Western Waters, to a special Committee; and have appointed Mr. Tipton, Mr. Caswell, Mr. Jones, Mr. Amis, Mr. Blount, Mr. McDowall, and Mr. Gregory, who will act jointly with the Gentlemen by you named for this purpose.

Adjourned till To-morrow Morning 10 O'Clock,

THURSDAY, 6th Nov., 1788.

The House met according to adjournment.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

A file of Papers endorsed "Letters from the Comptroller and Commissioner for settling Acc'ts," this day received from His Excellency the Governor, & herewith sent you, we propose shall be referred to the Committee appointed on the representation of the Comptroller.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that the File of Papers laid before the Assembly by His Excellency the Governor, respecting the offices of the Comptroller and Commissioner of Accounts, be referred to the Consideration of the Committee appointed on the representation of the Comptroller.

Mr. Thomas Brown, the Member for the County of Bladen, appeared, presented the Certificate of his Election, was qualified agreeably to Law and took his Seat.

On motion of Mr. Hunt, seconded by Mr. Caswell, ordered that Mr. Willie Jones and Mr. Charles Johnston be added to the Committee appointed to examine into and report on the present state of the public revenue, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added to the Committee appointed to examine into & report on the state of the public Revenue, Mr. Willie Jones and Charles Johnston.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We herewith send you a Message from His Excellency the Governor, with the several public dispatches therein referred to, which we propose referring to the Committee on Revenue, except those already referred.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen :

We have received your Message enclosing an Address from His Excellency the Governor, of yesterday's date, together with the Papers therein alluded to, but do not wholly agree to the references by you made.

It is the opinion of this House that the papers relating to Indian Treaties be reported on by the Committee appointed on the papers relative to the disorders in the Western parts of this State. That the File of papers relating to the several Conventions, Letters from the Secretary of Foreign Affairs, and those from the Governor of Virginia, be submitted to the consideration of the Committee appointed to report what Bills of a public nature are necessary to be passed at the present Assembly. As to those not herein mentioned we agree that they stand referred as by you proposed.

On motion of Mr. Johnston, seconded by Mr. Macon, ordered that Mr. Blount be added to the Committee appointed to prepare and introduce Bills of a public nature, and that the following Message be sent to the House of Commons :

Mr. Speaker & Gentlemen :

We have added Mr. Blount to the Committee appointed to prepare and introduce such Bills of a public nature as they shall think necessary to be passed by the present Assembly.

Received from the House of Commons the following Message :

Mr. Speaker & Gentlemen :

We herewith send you a Message this day received from His Excellency the Governor, addressed to the General Assembly, together with the Letter and Documents therein referred to, which we propose referring to the Committee on Revenue.

The foregoing being read, it was ordered that the following be sent to the House of Commons :

Mr. Speaker & Gentlemen :

We agree that the Message from His Excellency the Governor, of to-day together with its inclosures, be referred to the Committee appointed to report on the present states of the public revenue.

Received from the House of Commons the following Message :

Mr. Speaker & Gentlemen :

We have added Mr. John Pugh Williams and Mr. Steele to the

Committee on Revenue, and Mr. Moore to the Committee on Propositions and Grievances.

Received also a Bill for dividing the County of Rowan. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the first time in this House & returned.

Adjourned till To-morrow Morning 10 O'Clock.

FRIDAY, 7th Nov., 1788.

The House met according to adjournment.

Mr. William Brown, the Member for the County of Beaufort, appeared, presented the Certificate of his Election, was qualified agreeably to Law and took his Seat.

Mr. Caswell, from the Committee, delivered in the following report:

The Committee to whom was referred the representation of the Comptroller beg leave to report,

That the business of exhibiting the Accounts of this State against the United States, in which the Comptroller is engaged, is of the utmost importance and is in the opinion of this Committee a sufficient excuse for his not attending this Assembly. That as the Accounts for Bounties, pay and depreciation of pay to the late Army of the United States for Money and Specific Articles furnished on requisition of Congress, and for advances to, and disbursements for the Militia, are not passed upon by the Commissioners appointed by Congress to receive the accounts of this State, but are hereafter to be finally adjusted by a Board of three Commissioners.

Your Committee are of Opinion an Agent ought to be appointed on the part of this State to attend at such final settlement, in order (where doubts may arise with respect to the propriety of any Claim exhibited by this State) to explain and prevent the rejection of such Claim, provided the same shall in his opinion be legally founded, and finally to take every necessary step in his power to support the just Claims of this State until the same shall be adjusted on equitable principles. The Committee are also of opinion that the Comptroller be directed to deliver to the Commissioner appointed by Congress to receive all the Accounts and Vouchers in his possession on

which charges against the United States can be founded and for which he can obtain receipts from said Commissioners.

All which is submitted.

R. CASWELL, Ch'm.

The House taking this report into consideration concurred therewith.

Received from the House of Commons a Petition from sundry of the Inhabitants in the Western parts of this State; A Petition of Daniel McKissick; a Memorial of Edward Bridgen; a Petition of Robert Lynn, & the Petition of Wilson Taylor. Each endorsed, referred to the Committee of Propositions & Grievances; which was read, referred in like manner & returned.

Received also a Bill to correct the errors & mistakes in an Act Entitled "an Act to amend an Act entituled an Act to remove all disabilities from Simon Cleary and others therein named." Endorsed, read the first time & passed.

Ordered that this bill be read, which being read was passed the first time and returned.

Mr. Hunt presented the Memorial and Petition of John Williams setting forth that his Father James Williams, late of South Carolina, was in the year 1780 entrusted with a considerable Sum of Money to be applied to the use of this State & that by reason of death and other unavoidable accidents, he cannot at this day produce the receipts of disbursement and application, and praying the directing of the Assembly relative thereto; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances and sent to the House of Commons.

Mr. Jones presented the Memorial of the Honbl. John B. Ashe setting forth that he has purchased at Sale of the Commissioner of Confiscated property for the District of Halifax, and paid the purchase Money, several Tracts of Land supposed to be the property of Archibald Hamilton, but that on an investigation it is found never to have belonged to the said Hamilton; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons the following Bills, viz.:

A Bill for dividing the County of Rowan;

A Bill for dividing the County of Davidson;

A Bill to establish the Town already laid off at the Court House in Caswell County;

A Bill to erect and establish an Academy in the County of Richmond, and a Bill to establish an Inspection of Tobacco in the County of Richmond on the Lands of William Blewell on the South East side of Pee Dee River. Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We agree that the several papers relating to Indian Treaties & to the several Conventions, from the Secretary of Foreign Affairs & from the Governor of Virginia, be referred as by you proposed.

Mr. Willie Jones moved for leave and presented a Bill to repeal part of an Act Intituled "an Act for the better regulation of the Town of Halifax & extending the liberties thereof, and for altering the mode of Taxing and levying Taxes in the Town of Edenton;" which was read, passed the first time & sent to the House of Commons.

Mr. Harget moved for leave and presented a Bill to annex a part of the County of Carteret to the County of Jones; which was read, passed the first time & sent to the House of Commons.

Mr. McCawley presented the Petition of Richard Clinton, Esqr., of Sampson County, complaining of an undue Election; which being read was, on motion, referred to the Committee on Privileges and Election.

Received from the House of Commons a Petition of Michael Wilder; and a resignation of Frances Cunningham, Justice of the Peace for the County of Lincoln; which being read, the former was rejected and the latter accepted of and returned.

Mr. Caswell presented the Memorial of William Allmore, Merch't of Philadelphia; which was read, referred on the part of the Senate to the Committee appointed to prepare Bills of a public nature & sent to the House of Commons.

Received from the House of Commons a Bill to empower the Commissioners therein mentioned to build a Gaol in the Counties of Richmond and Anson, and to Levy a Tax to defray the expences thereof. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the first time in this House & returned.

Mr. Tipton presented the Petition of a Number of the Inhabitants living on the French Broad, relative to the entry of Land; which being read was referred to the Committee of Propositions & Grievances.

Received from the House of Commons the following Messages:

Mr. Speaker & Gentlemen:

We have added Mr. Maxwell to the Committee to whom was referred the file of Papers relative to the Western Inhabitants & Indian affairs.

Mr. Speaker & Gentlemen:

We herewith send you two Messages this day received from His Excellency the Governor, one inclosing the returns & documents relating to the Battalions Commanded by Major Thomas Evans. The other enclosing two Letters on the subject of Indian affairs; the former we propose referring to the Committee on Revenue, the latter to the Committee on Indian affairs.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Message from His Excellency the Governor, of to-day, and Papers accompanying it, we agree with you in referring to the Committee on Indian affairs & for preparing Bills of a public Nature.

Mr. Graham moved for leave and presented a Bill to confirm the Rights and Titles of the several Citizens of this State in certain Negroes therein described, and preventing unjust and vexatious Law Suits; which was read, passed the first time & sent to the House of Commons.

On motion of Mr. Macon, seconded by Mr. Overton, Ordered that Mr. Binford & Mr. Dixon be added to the Committee of Propositions & Grievances, & Mr. Robertson to the Committee on Indian affairs, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added Mr. Binford and Mr. Dickson to the Committee

of Propositions and Grievances, and Mr. Robertson to the Committee on Indian affairs.

Received from the House of Commons the report of the Committee on the representation of the Comptroller, and the Memorial of John Williams. The first endorsed, read and Concurred with, and the latter referred as by the Senate.

On motion of Mr. Blount, seconded by Mr. Williams, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

In order that the several Committees may have an opportunity of preparing the Business of this Session we propose that the two Houses adjourn till Monday next.

Adjourned till Monday Morning 10 O'Clock.

MONDAY, 10th Nov., 1788.

The House met according to adjournment.

Mr. Johnston and Mr. Macon, appointed to prepare a Bill to continue an Act passed at Tarborough in December, 1787, intituled "an Act for fixing the final settlement of unliquidated Claims against this State and against the United States within this State," presented the same, which was read, passed the first time & sent to the House of Commons.

Mr. Bloodworth moved for leave and presented a Bill to appoint Inspectors for the Ware House built in Fayetteville by Robertson Montford and James Porterfield, established by Act of Assembly passed December the 29th, 1785; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Resolution declaring that no Member who shall absent himself from the service of either House shall be entitled to pay during the time of such absence; which was read, Concurred with and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We propose that the General Assembly proceed to ballot on Tuesday next in the afternoon, for a Governor of this State for the ensuing year and a Council of State.

We nominate for Governor His Excellency Samuel Johnston, Es-

quire; for Councillors of State, John Kinchen, John Mair, John Skinner & Whitmell Hill, Esqrs.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree that a Governor for this State for the ensuing Year be made choice of by ballot on Tuesday next and approve of your nomination; we also agree to ballot for a Council of State at the same time and add to the nomination of Gentlemen by you made James Armstrong, Thos. Eaton, Jas. Iredell, Dempsey Conner and Josiah Collins, Sen., Esquires.

We propose that a Secretary of State be also ballotted for and nominate to that appointment James Glasgow, Esquire.

Mr. Graham presented the Memorial of John Armstrong, Esqr., relative to the purchase of a certain Tract of Land sold by authority of the Commissioner of Confiscated Estates; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Mr. Jones, from the Committee, delivered in the following report:

The Committee appointed to consider of and report what Bills of a public nature are necessary to be passed into Laws at the present Session, Report the following, viz.:

A Bill for levying a Tax for the support of Government;

A Bill for carrying into effect the Ordinance of Convention held at Hillsborough, for Establishing a place as the future seat of Government, &c.;

A Bill for levying a tax for sinking Paper Money;

A Bill to amend an Act, entitled "an Act for increasing the Jurisdiction of the County Courts," &c., passed at New Bern in Nov. 1785;

A Bill for trial of Persons prosecuted on impeachment;

A Bill for declaring what shall be Treason, &c.;

A Bill for declaring what shall be Misdemeanor in a Justice of the Peace;

A Bill for supplying deficiencies of the records of the several Courts in this State;

A Bill for amending the Militia Law;

A Bill for punishing Piracy;

A Bill to prevent the Importation of Convicts;
A Bill to alter the mode of trial of Slaves for Felony;
A Bill to prevent the further importation of Slaves;
A Bill to punish Bigamy and Polygamy;
A Bill for repealing an Act to regulate the Inspection of Tobacco in this State, so far as it relates to classing Tobacco;
A Bill for imposing a Tax on Dramatick performers;
A Bill for recovery of debts according to contract;
A Bill to discourage gaming; and
A Bill to direct payment for Slaves executed in the several Districts of this State.

WILLIE JONES, Chairman.

The House taking the foregoing report into Consideration, Concurred therewith.

Received from the House of Commons the following Bills, viz.:

A Bill to amend an Act entituled "an Act directing the method of Electing Members of the General Assembly, and more fully explaining the disqualifying Clauses in the Constitution;"

A Bill to annex part of Dobbs County to the County of Jones;

A Bill to entitle John McGee to recover the Estate of his reputed Brother Jesse Steed, dec'd; and

A Bill to amend an Act Intituled "an Act for the regulation of the Town of Hillsboro." Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also a Report of the Committee appointed to enquire into the State and Condition of the public revenue. Endorsed, read and Concurred with; which being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have received the report of the Committee appointed to enquire into the State of the public revenue, but cannot concur with it as it now stands, but propose that it be amended by deleing from the word *that* in the fourth line of the report to the word *them* in the Eighth, and substituting the following herewith sent you marked A. B. Also that from the word *information* be deled to the

word *express*, inclusive; should you agree to these amendments we will then concur.

Received from the House of Commons the Bill for dividing the County of Rowan; and the Bill to repeal part of an Act, entitled "an Act for the better regulation of the Town of Halifax and extending the liberties thereof;" and for altering the mode of Taxing & levying Taxes in the Town of Edenton. Each endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each were passed the Second time in this House and returned.

Mr. Jones moved for leave and presented a Bill to repeal part of an Act passed at Tarborough in Nov. 1787, entitled "an Act to regulate the Inspection of Tobacco in this State;" which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a petition from Thomas Donoho & William Sanders; a Memorial of Wm. Tyrrel Lewis and others; and a resignation of Titus Ogden, Vendue Master for the Town of New Bern, which were severally read, referred as by the House of Commons & returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We herewith send you a Message of this day's date from His Excellency the Governor, addressed to the General Assembly, covering a Letter from the Vice Consul of France with a state of the Debt due from this State to the Government of Martinique, which we propose referring to the Committee on revenue.

The foregoing being read, it was Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Message from His Excellency the Governor, of the 10th Inst., together with its enclosures, we agree with you in referring to the Committee on revenue.

Received from the House of Commons the Bill to annex part of the County of Carteret to the County of Jones. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the Second time in this House and returned.

Read sundry Petitions from the Inhabitants of the different parts

of this State on the subject of the proposed plan of Federal Government.

Whereupon, on motion of Mr. Jones, seconded by Mr. McCawley, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

From the number of Petitions and other papers before this Assembly on the subject of the Federal Constitution, we propose that the two Houses assemble in Conference on Wednesday next at 9 o'clock in the Morning, in the room where the House of Commons sit, in order fully to hear and deliberate on that subject, as well as to determine on the propriety of convening a Second Convention in this State.

Adjourned till To-morrow 10 O'Clock.

TUESDAY, 11 Nov., 1788.

The House met.

Mr. Robert Webb, the Member from the County of Richmond, appeared, presented the Certificate of his Election, was qualified agreeably to Law and took his Seat.

Mr. Gregory presented the Memorial of William Murphy and Wm. Regney Murphy setting forth that they had made a Loan to the State of a considerable Sum and requesting payment, which was read, referred on the part of the Senate to the Committee of Claims & sent to the House of Commons.

Mr. Webb presented a Petition from sundry of the Inhabitants of Richmond Co. praying that a Second Convention may be convened in this State, which was read and ordered to be sent to the House of Commons.

Mr. Caswell, from the Committee, delivered in the following report:

Your Committee of Propositions and Elections to whom was referred the Memorial of Richard Clinton, Esquire, report:

That having taken under Consideration the Memorial of Richard Clinton, Esquire, charging Hardy Holmes, Esquire, the sitting Member in the Senate for the County of Sampson, with being in arrears to the public for the Collection of the public Tax in the said County for the year 1787.

And from Mr. Holmes's own Confession it appears that he was Collector of the Public Tax in Sampson County for the Year aforesaid and that he has not accounted for the Monies by him received as Collector aforesaid.

Whereupon, your Committee are of Opinion that Mr. Holmes, as set forth in the said Memorial, is indebted to the public and that he was not eligible to a seat in this present General Assembly at the time he was Elected. All which is submitted.

R'D CASWELL, Ch'n.

The House taking this report into Consideration, Concurred therewith.

Mr. Willis moved for leave and presented a Bill to annex part of Bladen to Robeson County, and to amend an Act entituled "an Act to divide the County of Bladen," which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree to ballot for a public Secretary at the time of balloting for a Governor, as by you proposed, and approve of your Nomination to that office. We have added to the nomination for Councillors Maxwell Chambers, Sam'l Strudwick, Thos. Owen and Lawrence Baker, Esquires.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added the name of Miles King to the nomination of Councillors and approve of the addition by you made, except as to Lawrence Baker, he being Clerk of a Court and expressly debarred by the Constitution.

Mr. McCawley presented the Petition of Charles Dixon, which was read and referred to the Committee of Propositions and Grievances, & sent to the House of Commons.

Received from the House of Commons the following Messages:

Mr. Speaker, &c.:

We have added Mr. King to the Committee on Indian Affairs and Mr. Person to the Committee on Revenue.

Mr. Speaker, &c. :

We propose that the same Rules for reading Bills as were pursued the last Session of Assembly be observed this Session.

The foregoing being read it was ordered that the following Message be sent to the House of Commons :

Mr. Speaker & Gentlemen :

We agree that the Rules for reading and passing Bills observed by the last Assembly be adopted by the present.

Received from the House of Commons the following Message :

Mr. Speaker & Gentlemen :

We herewith send you Message of this day's date from His Excellency the Governor, addressed to the General Assembly, with the Letters therein referred to, and a further return of the purchase of Tobacco by the Commissioner at Fayetteville, which we propose referring to the Committee on Revenue.

The foregoing being read it was ordered that the following Message be sent to the House of Commons :

Mr. Speaker, &c. :

The Message from His Excellency the Governor, of to-day, additional return of Tobacco purchased at the Town of Fayetteville & other Papers accompanying them, we agree with you in referring to the Committee appointed to enquire into the present state of the public revenue.

On motion of Mr. McCawley, ordered that Mr. Hill be added to the Committee of Indian affairs and on public revenue, and that the following Message be sent to the House of Commons :

Mr. Speaker & Gentlemen :

We have added Mr. Hill to the Committee of Indian affairs and on public Revenue.

Received from the House of Commons a Petition of Gasper Smith; a Petition of Jane Spurgin & the Memorial of John Williams. The first two endorsed, referred to the Committee of Propositions and Grievances, & the latter to the Committee of Claims; which being read were referred in like manner & returned.

Mr. Jones moved for leave and presented a Bill for cutting a Navigable Canal from the Waters of Pasquotank River in this State,

to the Waters of Elizabeth River in the State of Virginia; which was read, passed the first time & sent to the House of Commons.

Mr. Macon presented the representation of Richard Blackledge, relative to the application of a quantity of public Tobacco; which was read and referred on the part of the Senate to the Committee appointed to inquire into the present state of the public revenue & sent to the House of Commons.

Received from the House of Commons a report of the Committee on the petition of William Jimmerson; a report of the Committee on the Petition of Wilson Taylor; a report of the Committee on the Petition of Sundry Persons relative to the price and Entry of Vacant Lands; The report of the Committee on the Petition of William Courtney and the Report of the Committee on the Memorial of John Williams, late Commissioner of Specificks for the County of Caswell. Each Endorsed, read and Concurred with; which being read were likewise Concurred with by this House and returned.

Mr. Jones moved for leave and presented a Bill to carry into Effect the Ordinance of Convention held at Hillsborough in July 1788, entitled "an Ordinance for Establishing a place for holding the future meetings of the General Assembly & the place of residence of the chief officers of the State;" which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Report of the Committee appointed to enquire into the present state of the public revenue, amended agreeably to the proposition of this House; which was read, Concurred with and returned.

Received also the following Bills, viz.:

A Bill to revive part of an Act entitled "an Act to suppress excessive Gaming;"

A Bill for erecting a Town on the Lands of Thomas Daugan in Randolph County;

A Bill for ascertaining the mode of paying the Members of the General Assembly in future;

A Bill for erecting a Town on the Lands of Tabitha Marriner and John Marriner in the County of Tyrrell, on the West side of Scuppernong River, at the place called and known by the name of Back Landing;

A Bill to repeal an Act entitled "an Act for hiring out persons Convicted on Indictments or presentments not being able or willing to pay the fees of office and Gaolers Fees;" and

A Bill to annex part of the County of Montgomery to Richmond. Each Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We have added Thomas Polk, Esquire, to the Nomination for Councillors.

On motion of Mr. Amis, ordered that Mr. Roddy be added to the Committee appointed on Indian affairs, and that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We have added to the Committee on Indian affairs Mr. Jas. Roddy.

Mr. Jones, from the Committee, delivered in the following report:

The Committee appointed to consider of, and report what Bills of a public nature are necessary to be passed into Laws at this Session of Assembly, Report the following, viz.:

A Bill to empower the County Courts to lay a tax within their respective Counties for the purpose of erecting or repairing the Court Houses, prisons & Stocks thereof;

A Bill for repealing an Act entitled "an Act for altering the mode of punishment for Horse Stealing;"

A Bill to amend the Stray Act;

A Bill to declare what punishment shall be inflicted for breaking open Store Houses, Ware Houses, &c., and Stealing anything thereout;

A Bill to empower the Superior Courts to remit or mitigate forfeited Recognizances; and

A Bill to amend an Act entitled "an Act for the relief of officers, Soldiers & Seamen," &c., passed at New Bern in November, 1785.

All which is submitted.

WILLIE JONES, Ch'm.

The House taking this report into Consideration, Concurred therewith.

Received from the House of Commons the Petition of Charles Dixon; and the report No. 1, of the Committee appointed to prepare Bills of a public Nature. The former endorsed, read and referred as by the Senate; and the latter Concurred with.

Mr. Overton moved for leave and presented a Bill to repeal two Acts of the General Assembly of this State, one passed at New Bern in November 1784, Intituled "an Act to describe and ascertain such Persons who owe allegiance to this State, & impose certain disqualifications on certain Persons therein described." The other passed at New Bern in the year 1785, Intituled "an Act to amend an Act passed at New Bern in 1784, Intituled "an Act to describe and ascertain such Persons who owe allegiance to this State, and to impose certain disqualifications on certain Persons therein described;" which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a petition of Jno. De Roulhac. Endorsed, referred to the Committee on revenue; which being read was referred in like manner and returned.

Received also the following Message:

Mr. Speaker & Gentlemen:

We have received the Message of the Senate proposing a Conference of the two Houses on the propriety of convening another Convention with which we do not Concur.

We have determined to take under Consideration the several Petitions relating to this subject on Saturday next.

Adjourned till 4 O'Clock, P. M.

The House met according to adjournment.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We are now ready to proceed on the balloting and have appointed Mr. Macon and Mr. Lenoir to superintend the same on the part of this House.

Mr. Caswell presented a Letter from Frances Child, Esquire, relative to the settlement of the Accounts of this State with the Commissioner of the United States; which was read and referred on the

part of the Senate to the Committee appointed on the Comptroller's representation, and sent to the House of Commons.

Received from the House of Commons a petition of William Scott. Endorsed, referred on the part of the House of Commons to Mr. Mebane, Mr. Gowdy, Mr. Mitchell, Mr. Hamilton & Mr. Phiher; which being read was, on the part of the Senate, referred to Mr. Cha. Johnston, Mr. Graham and Mr. W. Hill.

Received also the Bill to continue an Act passed at Tarborough in December 1787, Intituled "an Act for fixing the final settlement of unliquidated Claims against this State and against the United States within this State." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the Second time in this House and returned.

Received likewise a Bill for dividing the County of Washington; and a Bill to amend an Act intituled "an Act to direct the method of appointing Jurors and Surveyors to run out disputed Lands." Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read each were passed the first time in this House and returned.

Received likewise the following Message:

Mr. Speaker & Gentlemen:

We are also ready to proceed to balloting and have appointed Mr. Cabarrus and Mr. Hawkins to superintend the same, on the part of this House.

Pursuant to the determination of the two Houses Mr. Macon and Mr. Lenoir on the part of the Senate, and Mr. Cabarrus and Mr. Hawkins on the part of the House of Commons, now proceeded to conduct the balloting, which being ended Mr. Macon reported that Saml. Johnston, Esqr., is made choice of by a Majority of votes, Governor for this State for the ensuing year.

That John Skinner, James Iredell, John Kinchin, James Armstrong, Jos. Collins, Whitmill Hill and Dempsey Conner, Esquires, are elected a Council of State; and that James Glasgow, Esquire, is appointed Secretary.

The House taking this report into Consideration, Resolved, That they do Concur therewith.

Adjourned till To-morrow Morning 9 O'Clock.

WEDNESDAY, 12th Nov., 1788.

The House met.

Received from the House of Commons a Memorial from sundry Inhabitants of the County of Franklin. Endorsed, referred to the Committee of Claims. And the Memorial of Abraham Creson. Endorsed, referred to Mr. Steel, Mr. Cummings, Mr. Hawkins & Mr. Lewis, on the part of this House; which being read, the latter was rejected and the former referred as by the House of Commons & returned.

Received also a report of the Committee of Propositions and Grievances on the Petition of Daniel McKissick. Endorsed, Concurred with, which being read, was also Concurred with and returned.

Mr. Bloodworth, who had leave to withdraw for amendment the Bill to amend an Act entituled "an Act to remove all disabilities from Simon Cleary and others therein named," delivered in the same with the amendments; which was read, passed the Second time in this House & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We agree that the Letter just received from the Comptroller relative to the settlement of the accounts of this State with the Commissioner appointed on the part of the United States, be referred as by you proposed.

Mr. Armstrong, who had leave to withdraw for amendment the Bill to enable John McGee to inherit and receive the Estate of his reputed Brother Jesse Stead, dec'd, delivered in the same with the amendments; which was read the second time, passed & sent to the House of Commons.

Mr. Caswell, from the Committee, delivered in the following report:

The Committee to whom was referred the representation of the Comptroller, reported, That they having considered his second address, are of opinion and do Resolve, That he be directed not to deliver any Accounts or Vouchers for Claims of this State against the United States unless they are registered or listed, and the Commissioner shall pass receipts for the same in such manner that if the Originals should be lost this State may nevertheless have it in their

power to substantiate the said Accounts or Claims against the United States.

Which is submitted.

R'D CASWELL, Ch'm.

The House taking this report in Consideration, Resolved, That they do Concur therewith.

Received from the House of Commons the Bill to Confirm the rights and Titles of several Citizens of this State in certain Negroes therein described, and preventing unjust and vexatious Lawsuits. Endorsed, read the first time & passed.

Ordered that this Bill be read; which being read was amended, passed the second time in this House & returned.

Received also the Bill to erect and Establish an Academy in the County of Richmond; and a Bill to annex part of Bladen to Robeson County; and to amend an Act entitled "an Act to divide the County of Bladen." The first endorsed, read the Second, and the latter the first time & passed.

Ordered that these Bills be read, which being read were each passed the Second time in this House and returned.

Mr. Blount moved for leave and presented a Bill for the relief of the Creditors of Absentees, Comprehended within the Confiscation Laws; which was read, passed the first time & sent to the House of Commons.

Mr. McKinnie presented the Memorial of Andrew Bass of Wayne County, relative to Loan Office Certificates; which was read, referred to the Committee of Propositions & Grievances, and sent to the House of Commons.

Received from the House of Commons the Bill to repeal part of an Act passed at Tarborough in Nov., 1787, entitled "an Act to regulate the inspection of Tobacco in this State." Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were passed the second time in this House and returned.

Received the Bill to alter the name of Port Brunswick to that of Port Wilmington; and

A Bill to amend an Act entitled "an Act for the better regulation of the Town of Fayetteville," passed at Tarborough in November, 1787. Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read each was passed the first time in this House and returned .

Received also the report of the Committee (No. 2) appointed to consider of and report what Bills of a public Nature are necessary to be passed into Laws at the present Assembly. Endorsed, Concurred with. And a Petition of Mary Bledsoe. Endorsed, referred to the Committee appointed on Indian affairs; which being read was referred in like manner and returned.

Received likewise the report of the Committee appointed on the Comptroller's representation. Endorsed, Concurred with. And the Letter and representation of R'd. Blackledge. Endorsed, read and referred to the Committee of Indian affairs; which was read, referred in like manner and returned.

Adjourned till To-morrow Morning 10 O'Clock.

THURSDAY, 13th Nov., 1788.

The House met.

Received from the House of Commons the Bill to Establish the Town already laid off at the Court House in Caswell County. Endorsed, read the second time and passed. And the Bill to repeal part of an Act passed at Tarboro' in Nov. 1787, entitled "an Act to regulate the Inspection of Tobacco in this State." Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read each were passed the second time in this House and returned.

Mr. Graham moved for leave and presented a Bill to alter the mode of Swearing Petit Juries in the Courts of Law in this State; which was read, passed the first time and sent to the House of Commons.

Mr. Jones moved for leave and presented a Bill once more to extend an Act entituled "An Act to pardon and consign to oblivion the offences and Misconduct of certain persons in the Counties of Sullivan, Washington, Greene and Hawkins;" which being read was passed the first time & sent to the House of Commons.

Received from the House of Commons a petition of Archibald Lytle. Endorsed, referred to the Committee of Propositions and Grievances. And the Petition of John Jones, Esqr. Endorsed, referred to the Committee of Claims; which being read each were referred in like manner and returned.

Mr. Bloodworth moved for leave and presented a Bill to annex part of Brunswick County to the County of New Hanover; which was read, passed the first time & sent to the House of Commons.

Mr. Macon presented the Petition of Henry Montford, Esquire; which was read, referred on the part of this House to the Committee of Propositions and Grievances & sent to the House of Commons.

Mr. Amis moved for leave and presented a Bill to amend the Militia Law for the further Security of the Western Frontiers; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to amend an Act entituled "an Act to amend an Act entituled an Act to remove all disabilities from Simon Cleary and others therein named." Endorsed, read the third time & passed. And the Bill to continue an Act passed at Tarboro' December 1787, intituled "an Act for fixing the final settlement of Unliquidated Claims against this State and against the United States within this State." Endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each was passed the third and last time in this House, the former ordered to be Engrossed, and the latter returned.

On motion of Mr. McCawley, seconded by Mr. Macon, Ordered that Mr. Chas. Johnston and Mr. Williams examine the Engrossed Bills of the present Session on the part of the Senate, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

Mr. Charles Johnston and Mr. Williams will, on the part of this House, examine the Engrossed Bills.

On motion of Mr. Bloodworth, seconded by Mr. McCawley, Resolved, That all Claims to be adjusted by the present Assembly be first introduced before the Committee of Claims, and should any doubt arise respecting the Legality or propriety of allowance the Committee are directed then to state them & take the direction of the Houses relative thereto.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We herewith send you a Message from His Excellency the Governor, covering a return of a purchase of Tobacco made by the Commissioners at Tarboro', which we propose referring to the Committee on Revenue.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree with you in referring His Excellency the Governor's Message, together with the return of Tobacco purchased by the Commissioner at Tarborough, to the Committee on Revenue.

Mr. Caswell presented the Petition and Memorial of Hodge and Willis, Public Printers, relative to reprinting and publishing the Laws of this State; which was read and returned on the part of the Senate to Mr. Macon, Mr. Caswell & Mr. W. Hill, & sent to the House of Commons.

Received from the House of Commons a Supplementary Bill to an Act Intituled "an Act concerning proving of Wills and granting Letters of Administration, and to prevent frauds in the management of intestate's Estates." Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Received also a resignation of Howel Lewis as Lt. Colo. Commandant of the regiment of Cavalry in the District of Hillsborough. Endorsed, accepted; which being read, was also accepted of by this House & returned.

Received likewise the Petition of Henry Montfort, Esquire, and the representation of Andrew Bass. Each endorsed, read and referred as by the Senate. Also a resignation of Joseph Jno. Clinch as Colo. of the Nash Regiment of Militia. Endorsed, accepted; which was read, accepted of and returned.

On motion of Mr. McDowall, Ordered that Mr. Macon be added to the Committee of Claims, and that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have added Mr. Macon to the Committee of Claims.

Received from the House of Commons the Bill to enable John McGee to inherit and recover the Estate of his reputed Brother Jesse Stead, deceased. Endorsed, read the third time & passed.

Ordered that this Bill be read, which being read was passed the third time and ordered to be Engrossed.

Mr. Jones moved for leave and presented a Bill for the recovery of Debts according to contract; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We herewith send for your Concurrence an address which we propose shall be presented His Excellency the Governor.

The address above alluded to, together with the foregoing, being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We agree to the address by you proposed to be presented His Excellency the Governor, informing him of his late appointment, &c., and have appointed Mr. Blount and Mr. Harvey on the part of this House, to attend and present him with the same.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have added Mr. Harden, Mr. Outlaw, Mr. John P. Williams, Mr. Dickson & Mr. Skinner to the Committee on Indian Affairs; and Mr. Hawkins to the Committee of Claims.

Received also the Bill for ascertaining the mode of paying the Members of the General Assembly in future for travelling to and returning from the Assemblies. Endorsed, read the Second time, amended and passed.

Ordered that this Bill be read, which being read was on motion, rejected.

The Speaker laid before the House a Letter from James Iredell, Esquire, relative to the reprinting and publishing the Laws of this State; which was read, referred on the part of the Senate to the Committee appointed on the Memorial of the Public Printers, & sent to the House of Commons.

Adjourned till To-morrow Morning 10 O'Clock.

FRIDAY, 14th Nov., 1788.

The House met.

Received from the House of Commons a Bill to repeal two Acts of the General Assembly of this State, one passed at New Bern in November 1784, intituled "an Act to describe and ascertain such Persons who owe Allegiance to this State and impose certain disqualifications on certain Persons therein described;" the other passed at New Bern in the year 1785, Intituled "an Act to amend an Act

passed at New Bern in November 1784, intituled "an Act to describe and ascertain such persons who owe allegiance to this State and to impose certain disqualifications on certain Persons therein described;" which being read was, on Motion, withdrawn for amendment by Mr. Caswell.

On Motion of Mr. Bloodworth, seconded by Mr. Caswell, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We herewith send you a Resolution of the last Assembly, the intentions of which having never been executed, we now propose it shall be submitted to a joint Committee and have appointed on the part of this House, Mr. Lenoir, Mr. Macon, Mr. Jones & Mr. W. Hill.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

The representation of the Public Treasurer herewith sent you we propose referring to a joint Committee who shall receive & burn the Money received & collected on the Sinking Fund and now in his Hands, and have for this purpose appointed Mr. Mebane, Mr. E. Jones, Mr. Carson & Mr. McClain.

The foregoing being read it was ordered that the following Message be sent to the Senate:

Mr. Speaker, &c.:

Mr. Hunt, Mr. Macon and Mr. Lane will, on the part of the Senate, act with the Gentlemen by you named for the purpose of receiving from the Treasurer and burning the Money collected on the Sinking Fund Tax now in his hands.

Received from the House of Commons the Resolution of this House relative to the adjustment of Claims. Endorsed, read and Concurred with. And the Petition and Memorial of Hodge and Willis, Printers to the State. Endorsed, read and referred to Mr. Cabarrus, Mr. E. Jones, Mr. Mebane, Mr. Steele & Mr. Person. Also the following Message:

Mr. Speaker, &c.:

We have appointed Mr. Steele and Mr. Sanders to examine the Engrossed Bills.

Mr. Hill presented the Petition of Stephen Hyde; which was

read, referred on the part of the Senate to the Committee of Propositions and Grievances and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We propose that the Bill herewith sent you to amend the Militia Law, &c., be Committed to the Committee on Indian affairs.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree to Commit the Bill for amending the Militia Law to the Committee on Indian affairs, as by you proposed.

Mr. Hargett moved for leave and presented a Bill to amend an Act Intituled "an Act for the more regular collecting payment of, and accounting for the public Tax;" which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a Bill for dividing Greene County; which being read it was, on Motion, ordered that it be submitted for consideration and amendment to Mr. Hargett, Mr. Jones & Mr. Gregory.

Received also the Bill to erect and establish an Academy in the County of Richmond. Endorsed, read the third time & passed.

And the Bill to annex part of Brunswick County to the County of New Hanover. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the third and last time and ordered to be Engrossed, and the latter the Second time and returned.

Received likewise the Bill to amend an Act entituled "an Act for the better regulation of the Town of Fayetteville," passed at Tarborough in Nov., 1787. Endorsed, read the second time & passed.

And a Bill to appoint Commissioners to superintend the building a prison & Stocks for the District of Fayetteville, and to levy a Tax on the Counties within the said District for defraying the expenses thereof. Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the former was passed the second, and the latter the first time in this House & sent to the House of Commons.

Mr. Payne presented the resignation of John Atkinson, Justice of

the Peace for the County of Caswell; which was read, accepted and sent to the House of Commons.

On motion, ordered that Mr. McCawley have leave to withdraw for amendment the Bill to amend an Act entituled "an Act for the regulation of the Town of Hillsborough," and Mr. Robeson the Bill for the more effectual and easy administration of justice in the Districts of Washington and Davidson, and for dividing the Military jurisdiction of the district of Washington.

Received from the House of Commons the following Bills to-wit.:

A bill to annex part of Bladen to Robeson County; a Bill to Establish an Inspection of Tobacco in the County of Richmond on the Lands of Mr. Blewell, on the South East side of Pee Dee River; and a Bill to annex a part of the County of Montgomery to Richmond. Each Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the first was passed the third time in this House and returned, and two Latter on Motion, rejected.

Mr. Amis presented the Petition of John Oliver, which was read, referred on the part of the Senate to the Committee of Propositions and Grievances, & sent to the House of Commons.

Received from the House of Commons the Bill to Establish the Town laid off at the Court House in Caswell County; and the Bill to erect and Establish an Academy in the County of Richmond. Each endorsed, read the third time & passed.

Ordered that these Bills be read, which being read were passed the third and last time and ordered to be Engrossed.

Received also the Bill for erecting a Town on the Lands of Tabitha Marriner and John Marriner in the County of Tyrrell, on the West side of Scuppernong river, at the place called and known by the name of Back Landing. Endorsed, read the Second time, amended and passed.

Ordered that these Bills be read, which being read were passed the second time in this House and returned.

Received likewise a Memorial of William Armstrong; A petition of the Exr's of Arthur Brown, and a Petition of Charles Markland and John Herritage. The two first endorsed, referred to the Committee of Propositions and Grievances; and the latter to Mr. Person, Mr. P. Williams and Mr. Allen; which being read, the two

first were referred as by the House of Commons and the latter to Mr. Hargett, Mr. Graham & Mr. Overton, and returned.

Mr. Willis moved for leave and presented a Bill to Establish a Town laid off at the Court House in Robeson County by the name of Lumberton; which was read, passed the first time & sent to the House of Commons.

Mr. McAllister presented the Petition and Claim of Niel McLean; which was read, referred to the Committee of Claims and sent to the House of Commons.

Received from the House of Commons the Petition of John Court. Endorsed, referred to the Committee of Propositions and Grievances. And a Petition of William Delancy. Endorsed, referred to the Committee of Claims; which being read, each were referred in like manner and returned.

Received also the Letter from James Iredell; the Petition from Stephen Hyde, & the Memorial of John Oliver. Endorsed, referred as by the Senate.

Received likewise a Memorial of Frances Harper. Endorsed, referred to the Committee of Propositions & Grievances. And the Petition of Edward Tinker. Endorsed, referred to the Committee on public Bills; which being read, each were referred in like manner and returned.

Adjourned till To-morrow Morning 10 O'Clock.

SATURDAY, 15th Nov., 1788.

The House met.

Mr. Thomas Stewart, the Member for the County of Tyrrell, appeared, presented the Certificate of his Election, was qualified agreeably to Law & took his Seat.

Mr. Bloodworth moved for leave and presented a Bill to emancipate a certain Negro Slave named Phillis, late the Property of George Jacobs, of the Town of Wilmington, dec'd; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a Bill to alter the name of Port Brunswick to that of Port Wilmington. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the Second time in this House and returned.

Received also a resignation of Wm. Thereadgill, Nathan Morris

& James Boggan, as Justices of the peace for the County of Anson. Endorsed, accepted; which being read was also accepted of by this House and returned.

Received likewise a report of the Committee on the Petition of Wm. Woolton & Henry Bradford. Endorsed, Concurred with; which being read, was also Concurred with and returned.

Mr. Caswell, who had leave to withdraw for amendment the Bill to repeal two Acts of the General Assembly of this State, one passed at New Bern in November, 1784, Intituled, "an Act to describe and ascertain such persons who owe allegiance to this State, and impose certain disqualifications on certain Persons therein described;" the other passed at New Bern in the year 1785, Intituled "an Act to amend an Act passed at New Bern in Nov, 1784, intituled an Act to describe and ascertain such Persons who owe allegiance to this State, and to impose certain disqualifications on certain Persons therein described," delivered in the same with the amendments; which was read passed the second time & sent to the House of Commons.

Received from the House of Commons the Bill to repeal part of an Act intituled "an Act for the better regulation of the Town of Halifax and extending the liberties thereof; and for altering the mode of Taxing and levying Taxes in the Town of Edenton." Endorsed, read the Second time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

Received also the following Message:

Mr. Speaker, &c.:

The resolution of the last General Assembly, the intentions of which has never been carried into effect, we agree to refer as by you proposed, and have appointed on our part for this purpose, Mr. J. P. Williams, Mr. Hawkins, Mr. Person, Mr. McClain and Mr. McDowall, Sen.

Received likewise the Bill to appoint Inspectors for the Ware House built in Fayetteville by Robertson Montford and James Porterfield, Established by Act of Assembly in Dec., 1785. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read it was, on motion, Ordered that Mr. Bloodworth have leave to withdraw it for amendment.

Read Sundry Depositions & other papers relative to the conduct of John Cox, First Major of the regiment of Militia & Justice of the Peace for the County of Moore.

Whereupon, resolved, That the said John Cox be and he is hereby Suspended from the exercise of his said offices of Justice of the Peace and First Major of the Regiment of Militia in the County of Moore until the end of the next Session of Assembly, or until he shall shew sufficient cause wherefore this suspension should not be enforced. Sent for Concurrence.

Received from the House of Commons the Bill once more to extend an Act entituled "an Act to pardon and consign to oblivion the offences and Misconduct of certain persons in the Counties of Washington, Sullivan, Greene & Hawkins. Endorsed, read the first time and passed. And the Bill to annex part of the County of Carteret to the County of Jones. Endorsed, read the second time and passed.

Ordered that these Bills be read; which being read the first was passed the Second, and the latter the third time in this House and returned.

Adjourned till Monday Morning 10 O'Clock.

MONDAY, 17 Nov., 1788.

The House met.

Received by way of the House of Commons, the following Message from His Excellency the Governor, to-wit.:

To the Honourable the General Assembly:

Gentlemen,

In pursuance of your Message of yesterday informing me that the General Assembly had done me the Honor to re-elect me Governor of the State for the ensuing year, I will do myself the honor to attend you in the room where the House of Commons sit at 12 O'Clock on Tuesday next, in order to take the Oaths of qualification to that office.

Permit me to acknowledge the high estimation in which I hold the great honor which you have done me on this Occasion, and to assure you that my utmost diligence and attention shall be exerted to discharge the important duties of the department in which you have been pleased to continue me.

SAM'L JOHNSTON.

Mr. Jones moved for leave and presented a Bill for levying a Tax for the support of Government, and for the redemption of the old Paper Currency, Continental Money, and Spèce & other Certificates, and for sinking the State Currency; which was read, passed the first time & sent to the House of Commons.

Mr. Hill, from the Committee, delivered in the following report:

The Committee to whom the Memorial of Messrs. Hodge and Willis, on the subject of Printing the revision of the Laws of the State was referred, report,

That the printing the revision of the Laws of this State will be of great Utility, and as the said Hodge and Willis will be at considerable expence & risque, it is the opinion of your Committee that they be enabled to draw the Sum of five Hundred pounds in full consideration of one Hundred Copies of the said revision for the Use of the State, first giving Bond & Security to deliver the same at the Secretary's office as speedily as the nature of the work will admit; and that by a Resolution of the General Assembly they may be entitled to a further emolument in the exclusive right of printing and vending the said revision for Seven Years next after its publication.

Which is submitted.

W. HILL, Ch'n.

The foregoing report being read was Concurred with and sent to the House of Commons.

Mr. Jones moved for leave and presented a Bill Ceding to the Congress of the United States certain Western Lands therein described, and Authorizing the Governor of this State to execute a Deed or Deeds for the same; which was read, passed the first time & sent to the House of Commons.

Mr. Jones, from the Committee, delivered in the following report.

Your Committee having Considered the Petition of the Inhabitants of Greene County praying a division of such County, Reported that the County of Greene is in its greatest Length about Ninety Miles long; in its greatest Breadth about forty-five Miles wide, growing narrower by degrees until it comes to a point at the western part of the same, where the French Broad and Holston Rivers make a junction.

As no returns have been hitherto made to the General Assembly

of the Number of the Militia in Greene County, your Committee cannot say with precision what the number is. But your Committee called on the Members from the Western Counties, and are induced from the information obtained from them, to be of opinion that the County of Greene does not contain more than Eleven Hundred Militia Men.

Which is submitted.

W. JONES, Ch'n.

Mr. Macon presented the Petition of John Stewart setting forth that the Public is considerably indebted to him for Articles furnished, &c. ; which was read, referred on the part of the Senate to Mr. W. Hill, Mr. Blount & Mr. Brown & sent to the House of Commons.

Mr. Blount presented the Memorial of Mr. Glasgow, Esquire; which was read, referred on the part of the Senate to the Committee appointed on the Petition of Jno. Stewart, and sent to the House of Commons.

Agreeable to the order of Saturday for postponing until this day the consideration of the Petitions and other Papers on the subject of the Federal Constitution, the House now proceeded on that business.

When on motion of Mr. Caswell, seconded by Mr. Blount, it was

Resolved, That it is the opinion of this House a new Convention be called by this Assembly, for the purpose of reconsidering the New Constitution held out by the Federal Constitution as a Government of the United States.

The Yeas and Nays being required on this Resolution by Mr. McDowall, seconded by Mr. Overton, are as follows, to-wit:

In favour of this resolution—Mr. Dupree, Mr. McDowall, Mr. J. Hill, Mr. Chas. Johnston, Mr. Gregory, Mr. Caswell, Mr. Robinson, Mr. Brickell, Mr. Reddick, Mr. Montgomery, Mr. Amis, Mr. Bryan, Mr. Overton, Mr. Graham, Mr. Dixon, Mr. Nesbit, Mr. T. Johnston, Mr. Keaton, Mr. Harvey, Mr. Blount, Mr. Gaither, Mr. Armstrong, Mr. Macon, Mr. McKinnie, Mr. Singleton, Mr. Auld, Mr. W. Brown, Mr. W. Hill, Mr. Webb and Mr. Stewart.—30.

Against this resolution—Mr. B. Williams, Mr. McAllister, Mr. Payne, Mr. Ramsey, Mr. Gray, Mr. Hunt, Mr. Jones, Mr. Hargett, Mr. Binford, Mr. Bloodworth, Mr. McCawley, Mr. Tipton, Mr. Lane, Mr. Lenoir and Mr. T. Brown.—15.

So the foregoing resolution was agreed to.

Whereupon, on motion of Mr. W. Jones, seconded by Mr. Graham, the House resolved as follows, viz:

Resolved, That it be recommended to such of the Inhabitants of this State as are entitled to vote for Members of the House of Commons at the annual Election to be held in each County, on the third Friday and Saturday in August next, to vote for three Persons in each County & one Person in each Borough Town having a right of representation agreeable to the Constitution of this State; to sit as a State Convention, for the purpose of deliberating and determining on the proposed Federal Constitution for the future Government of the United States, and on such amendments, if any, as shall or may be made to the said Constitution by a Convention of the States previous to the meeting of the said Convention of this State; which Election shall be conducted agreeable to the mode and conformable to the rules and regulations prescribed by Law for conducting the Elections of Members of the General Assembly; and any Citizen within this State being a freeholder shall be eligible to a seat in the said Convention, Sheriffs and returning officers excepted.

Resolved, That the Sheriffs of the Counties in this State do advertise and notify the people of their Counties and Borough Towns of the time, place and purpose of holding said Election, at the same time and in the same manner as the Law requires them to advertise Elections for Members of the General Assembly.

Resolved, That the Persons so Elected to serve as a State Convention do assemble and meet together on the last Monday in October next at such place as shall be appointed for the meeting of the General Assembly, then and there to deliberate and determine on the said Constitution and on the amendments, if any, and if approved by them to confirm and ratify the same on the behalf of this State and make report thereof to Congress and to the General Assembly.

Resolved, That the Members of the Convention be allowed twenty Shillings per day for their attendance and going to and returning from the place where they shall meet; and that they be authorized to make such allowance to their Clerks and Door-keepers as they shall think reasonable, and the Treasurer is hereby directed to pay the same on a Certificate signed by the President of the Convention; provided, that such persons as shall be Elected Members of the General Assembly as well as of the Convention, shall be allowed Mileage for coming to the Convention only, and not for returning.

On passing the foregoing resolution it was moved by Mr. Caswell and seconded by Mr. Charles Johnston, that the words *third Friday and Saturday in August next* be expunged as the time appointed for holding Election and *the 15th and Sixteenth of December* inserted; this being objected to and the question being called for and taken thereon, was carried in the negative; whereupon, on Motion of Mr. Caswell, seconded by Mr. Bloodworth, it was ordered that the Yeas and Nays be taken on this question, which are as follows, to-wit:

For the amendment proposed—Mr. McDowall, Mr. Charles Johnston, Mr. Gregory, Mr. Caswell, Mr. Robinson, Mr. Reddick, Mr. Montgomery, Mr. Bryan, Mr. Overton, Mr. Dixon, Mr. Nesbit, Mr. Keaton, Mr. Harvey, Mr. Blount, Mr. Gaither, Mr. Armstrong, Mr. McKinnie, Mr. Auld, Mr. W. Brown, Mr. W. Hill and Mr. Stewart.—21.

Against the Amendment—Mr. Dupree, Mr. Williams, Mr. McAllister, Mr. J. Hill, Mr. Payne, Mr. Ramsey, Mr. Brickell, Mr. Gray, Mr. Hunt, Mr. Roddy, Mr. Amis, Mr. Jones, Mr. Hargett, Mr. Graham, Mr. Binford, Mr. Bloodworth, Mr. Bunn, Mr. T. Johnston, Mr. McCawley, Mr. Tipton, Mr. Macon, Mr. Lane, Mr. Lenoir, Mr. Singleton, Mr. Thos. Brown and Mr. Webb.—26.

Mr. Bloodworth presented the Petition of Thos. Brown, Esqr.; which was read, referred on the part of the Senate to Mr. Caswell, Mr. Bloodworth and Mr. Blount, & sent to the House of Commons.

Mr. Hargett, from the Committee, delivered in the following report:

The Committee to whom was referred the Petition of Charles Markland and John Herritage, Commissioners of Confiscated property for the County of Dobbs, report,

It appears to your Committee that they did receive from sundry Persons indebted to absentees whose property was Confiscated by the Laws of this State to the amount of, in the whole, to Two Thousand four Hundred and forty-six pounds fourteen Shillings and six pence, which they as Commissioners by the direction of the County Court of Dobbs, did receive in Specie Certificates which they now have in their possession, as will more fully appear by their affidavits, and are and have been for some time past ready to settle with the Comptroller for the same; but he conceiving himself not authorized to receive the Certificates in discharge of such debts hath declined the same.

Therefore Resolved, That it is the opinion of your Committee

that the said Commissioners be directed to return the Certificates to the former holders, or those from whom they received the same, and that the Comptroller be directed not to commence a Suit against the said Commissioners until the end of the next Session of Assembly All which is submitted.

F. HARGET, Ch'n.

The House taking this report into Consideration, Concurred therewith.

Received from the House of Commons a Resolution declaring that no Bill of a private nature be received after Thursday next, which was read, Concurred with and returned.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We herewith send for your Concurrence several Resolutions entered into by this House for the purpose of convening a Second Convention in this State.

Adjourned till To-morrow Morning 10 O'clock.

TUESDAY, 18 November, 1788.

The House met.

Mr. Caswell presented the Petition of Joseph Leech, Esquire; which was read, referred on the part of the Senate to Mr. Stewart, Mr. Jones & Mr. Chas. Johnston & sent to the House of Commons.

Received from the House of Commons a Petition of Sam'l Marley and a Petition of James Kerr. Endorsed, referred to the Committee of Propositions and Grievances. And the Petition of Jesse Bryan. Endorsed, referred to the Committee of Claims; which were severally read, referred in like maner and returned.

Mr. Hill presented the Petition of John Colson, which was read, referred on the part of the Senate, and sent to the Committee of Propositions & Grievances & sent to the House of Commons.

Received from the House of Commons a report of the Commissioners of Confiscated property for the district of Hillsborough. Endorsed, referred to the Committee appointed on revenue; which was read, referred in like manner and returned. Also the following Message:

Mr. Speaker & Gentlemen:

We propose that Seven Members of any of the Committees, except

that on revenue, be considered as a quorum to proceed on business.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree that Seven Members shall constitute a quorum for the transaction of business in any of the Committees; that of Revenue excepted, as by you proposed.

We propose that the General Assembly proceed to ballot To-morrow evening at 4 o'clock for a Public Treasurer and place at which the next Assembly shall be held, and nominate for Treasurer John Haywood, Esqr.; and for the place at which the next Assembly shall be held the Towns of Warrenton, Hillsboro', Fayette, Tarboro', and New Bern.

Mr. Bloodworth presented the Petition of Thomas Hill and Henry Hill; which was read, referred on the part of the Senate to the Committee appointed on the Petition of Joseph Leech, Esqr., and sent to the House of Commons.

Received from the House of Commons a report of the Committee and resolution in favor of Henry Montfort, Esqr.; which was read, Concurred with and returned.

Received also the following Message:

Mr. Speaker, &c.:

This being the day which His Excellency the Governor, was requested to attend the General Assembly in order to qualify to his late appointment, we propose that two members from each House be appointed to attend and conduct him to the place already appointed for his reception.

We have for this purpose appointed Mr. Cabarrus & Mr. Steele.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

Mr. Blount and Mr. Ben Williams will, on the part of this House, attend and conduct his Excellency into the presence of the General Assembly.

Agreeable to the order of the day the Bill for carrying into effect the Ordinance of Convention held at Hillsborough in July, 1788, intituled "an Ordinance for Establishing a place for holding the

future meetings of the General Assembly and the place of residence of the Chief officers of the State," was called for & read; when it was amended, passed the second time with the amendments, and sent to the House of Commons.

The Yeas and Nays being required on the passage of this Bill by Mr. Macon, seconded by Mr. Armstrong, are as follows; to-wit:

For the passage of this Bill—Mr. Williams, Mr. Chas. Johnston, Mr. Gregory, Mr. Payne, Mr. Caswell, Mr. Robertson, Mr. Brickell, Mr. Hunt, Mr. Reddick, Mr. Montgomery, Mr. Roddy, Mr. Amis, Mr. Jones, Mr. Bryan, Mr. Hargett, Mr. Binford, Mr. Bunn, Mr. Keaton, Mr. Harvey, Mr. Blount, Mr. Macon, Mr. Lane, Mr. McKinnie, Mr. Brown, Mr. Hill and Mr. Stewart.—26.

For rejecting the Bill—Mr. Dupree, Mr. McDowall, Mr. McAllister, Mr. J. Hill, Mr. Ramsey, Mr. Graham, Mr. Dixon, Mr. Nesbit, Mr. Bloodworth, Mr. T. Johnston, Mr. McCawley, Mr. Gaither, Mr. Willis, Mr. Armstrong, Mr. Tipton, Mr. Lenoir, Mr. Singleton, Mr. Thos. Brown, Mr. Auld and Mr. Webb,—20.

On motion of Mr. Willie Jones, seconded by Mr. Macon, ordered that the following Resolution be entered into and sent to the House of Commons:

Whereas, it may be necessary to send a Talk or Talks, at or before the rising of the General Assembly, to the Cherokees, Chickamaugas and Creeks with a view to obtain a cessation of Hostilities between the said Indians and the Citizens of this State until a Treaty can be effected, and there is a certain Mr. Alexander Drumgool now in town who can safely and expeditiously communicate Intelligence to the said Nations of Indians or other of them.

Resolved, That a joint Committee of both Houses be appointed to confer with the said Alex Drumgooll and receive his proposals thereon.

Ordered that the following be sent to the House of Commons:
Mr. Speaker, &c.:

The subject matter of the Resolution of this House herewith sent you we propose shall be immediately reported on by a joint Committee and have appointed for this purpose on our part, Mr. W. Jones, Mr. McDowall & Mr. Ben. Williams.

Received from the House of Commons the Memorial of James Glasgow. Endorsed, referred as by the Senate.

The Petition of John Stewart. Endorsed, referred to Mr. Haw-

kins, Mr. Hill and Mr. Ward. Also the report of the Committee in favour of Hodge and Willis, Public Printers. Endorsed, Concurred with.

Received also the Petition of Joseph Leech. Endorsed, referred to Mr. McDowall, Mr. Hawkins, Mr. Grave, Mr. E. Jones, Mr. Person and Mr. Caldwell; and the representation of the Members of Moore County relative to the Conduct of John Cox. Endorsed, Concurred with. Also the Petition of James Britain. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Mr. Gregory moved for leave and presented a Bill for improving the Navigation of Albemarle Sound; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Petition of Thomas Brown, Esqr. Endorsed, referred to Mr. Steele, Mr. McDowall, Mr. Jones and Mr. John P. Williams. And the report of the Committee on the Petition of Charles Markland and John Herritage. Endorsed, read and concurred with. Also the Petition of John Cotton. Endorsed, referred as by the Senate.

The Order of the Day for Reading the Bill for dividing the County of Rowan being called for and the Bill read, was passed the third and last time and Ordered to be Engrossed.

Whereupon, on motion of Mr. Charles Johnston, seconded by Mr. Benj. Williams, ordered that the Yeas and Nays be taken on the passage of this Bill, which are as follows, viz:

For the passage of the Bill—Messrs. Dupree, McDonald, McAllister, Payne, Roddy, Ramsey, Amis, Harget, Graham, Dixon, Nesbit, Bloodworth, T. Johnston, McCawley, Gaither, Daugan, Willis, Armstrong, Tipton, Lenoir, Singleton, T. Brown, Auld and Webb.—24.

Against the passage of this Bill—Messrs. Williams, J. Hill, C. Johnston, Gregory, Caswell, Brickell, Hunt, Reddick, Montgomery, W. Jones, Bryan, Binford, Brown, Keaton, Harvey, Blount, Macon, Lane, McKinnie, W. Brown, Hill and Stewart.—22.

Mr. Brickell presented the Petition of Osborn Jeffreys, praying, &c.

Whereupon, ordered that the following Resolution be entered into and sent to the House of Commons, viz:

Whereas, Osborn Jeffreys obtained a Patent for Five Hundred Acres of Land in the then County of Craven, now Caswell County, dated the 20th of April, 1745, which patent was recorded in the

Secretary's office and enrolled in the Auditor General's office, as appears by the Certificates thereunto annexed, and it being represented to the Assembly that the Book in which the said Patent was recorded in the Secretary's office is destroyed, whereby the Patentee may be greatly injured if the Patent is not admitted to record.

Therefore, Resolved, That the Secretary be and he is hereby directed to record the said Patent in his office, and the Patent when so recorded shall be good and valid in Law as if the former record had never been lost or destroyed.

Received from the House of Commons a Message from His Excellency the Governor, addressed to the General Assembly accompanied by a return of Tobacco purchased by the Commissioner at Tarborough. Endorsed, referred to the Committee on Revenue; which was read, referred in like manner and returned.

Received also the Petition of Thomas Fitt and Henry Hill. Endorsed, referred as by the Senate. And the Memorial of Jane Simpson. Endorsed, referred on the part of this House to Mr. Phifer, Mr. Porter, Mr. Caldwell and Mr. McLaine; which being read was, on the part of the Senate, referred to Mr. Riddick, Mr. McCawley and Mr. Gaither and returned.

Mr. Stewart moved for leave and presented a Bill to encourage the draining and recovering a Tract of Land in Tyrrel County; which was read, passed the first time & sent to the House of Commons.

Agreeable to the order of the day the Bill for dividing the County of Davidson was read, passed the second time & sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have appointed Mr. Outlaw, Mr. McDowall, Mr. Cabarrus, Mr. Person and Mr. Phifer, to act with the Gentlemen by you appointed to confer with Mr. Drumgool on the propriety of sending a Talk to certain Indian Tribes, &c.

Mr. Payne presented the resignation of James Sanders and John Summers, Justices of the Peace for the County of Caswell; which was read, accepted of and sent to the House of Commons.

Mr. Stewart presented the resignations of Thomas Everitt and Richard Huff, Justices of the Peace for the County of Tyrrell; also

the resignation of Friley Jones, First Major in said County; which were read, accepted and sent to the House of Commons.

Adjourned till To-morrow Morning 10 o'clock.

WEDNESDAY, 19 November, 1788.

The House met.

Mr. Bloodworth moved for leave and presented a Bill for the relief of Thomas Craik and James Walker the Ex'rs of John An-cram, and the Administrator of John Foster, dec'd; which was read, passed the first time & sent to the House of Commons.

Mr. Harvey presented the Petition in favour of David Davis of Pasquotank County; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Mr. Bloodworth moved for leave and presented the Petition of William Evans of the Town of Wilmington; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Mr. John Humphries, the member for the County of Currituck, appeared, presented the Certificate of his Election, was qualified agreeably to Law and took his seat.

In conformity to the Report of the Committee concurred with by both Houses of this Assembly.

Resolved, That Messrs. Hodge and Willis, Printers to the State, be allowed the sum of five Hundred Pounds in full consideration for one Hundred Copies of the revisal and collection of the Laws of this State, to be delivered at the Secretary's office as soon as the nature of the business will permit, that the Treasurer pay them the same and be allowed in the settlement of his accounts.

Sent for concurrence.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We agree that a public Treasurer be balloted for at the time by you proposed, but do not agree to ballot at the same time for the place at which the next Assembly shall be held, and propose that the business be postponed until Saturday, the 29th Instant.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

We do not concur with your proposition relative to the balloting on Saturday next for the place at which the next Assembly shall be held, neither do we agree to ballot for a Public Treasurer this Evening; but will consent and propose that this business be entered on To-morrow at 4 o'clock. We also propose that a Judge for the Marine Court at the Town of Washington and a Vendue Master for the Town of New Bern be made choice of at the same time, and nominate for Judge, Jonathan Loomiss, Esquire; and for Vendue Master, Jno. Smallwood and Henry Purse.

Agreeable to the order of the day the bill for cutting a Navigable Canal from the Waters of Pasquotank River in this State to the Waters of Elizabeth River in the State of Virginia, was called for and read, passed the second time and sent to the House of Commons.

The Yeas and Nays on the passage of this Bill being required by Mr. Charles Johnston, seconded by Mr. Bloodworth, are as follows, to-wit:

For the passage of this Bill—Messrs. Benj. Williams, J. Hill, Gregory, Robinson, Brickell, Gray, Hunt, Reddick, Roddy, Amis, Jones, Graham, Binford, Bunn, McCawley, Harvey, Willis, Armstrong, Macon, Lane, McKinnie, W. Hill & Humphries.—23.

Against the passage of the Bill and for rejecting it—Messrs. Dupree, McAllister, Chas. Johnston, Payne, Ramsey, Caswell, Kenan, Bryan, Hargett, Dixon, Nesbit, Bloodworth, Thos. Johnson, Blount, Gaither, Tipton, Lenoir, Singleton, Thos. Brown and W. Brown.—20.

Mr. Jones moved for leave and presented a Bill for the recovery of Debts hereafter incurred, according to Contract, which was read, passed the first time and sent to the House of Commons.

Mr. Armstrong presented the Petition of Jacob Clinard, which was read and ordered to be sent to the House of Commons.

Mr. Jones moved for leave and presented a Bill for the relief of persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered, within the time heretofore appointed by law, and to grant a further time for registering certain Grants heretofore issued from Lord Granville's office; which was read, passed the first time & sent to the House of Commons.

Mr. Caswell delivered in the following report:

The Committee to whom was referred the Petition of Thomas Brown, of Bladen County, Report,

That your Committee have examined the Deeds, Bonds and other

Papers referred to in the said Petition, and are of opinion the facts set forth in the said Petition are sufficiently supported. Therefore,

Resolved, That it be recommended to the General Assembly to grant leave to bring in a Bill for the purpose expressed in Mr. Brown's Petition.

Which is submitted by your Committee.

R. CASWELL, Ch'n.

The foregoing report being read, was Concurred with & sent to the House of Commons.

Whereupon, Mr. Caswell moved for leave and presented a Bill to quiet Thomas Brown, Esq., of Bladen County, in his Title to & possession of divers Lands, Tenements and Hereditaments therein referred to; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to revise part of an Act intituled "an Act to suppress excessive gaming." Endorsed, read the second time and passed.

And the Bill to alter the mode of swearing Petit Juries in the Courts of Law in this State.

Ordered that these Bills be read, which being read the first was passed the second time in this House and returned, & the latter on Motion, rejected.

Mr. McKinne presented the Petition of Andrew Bass, of Wayne County, which was referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons a Bill for amending an Act for Establishing Courts of Law and for regulating the proceedings therein; and another Act for giving Equity Jurisdiction to the Superior Courts. Endorsed, read the first time & passed. Ordered that this bill be read, which being read was, on motion, referred to the next Assembly for Consideration.

Mr. Robinson, who had leave to withdraw for amendment the Bill for the more effectual administration of Justice in the districts of Washington and Davidson, and for dividing the Military Jurisdiction of the district of Washington, delivered in the same with the amendments; which was read, passed the second time & sent to the House of Commons.

Adjourned till to-morrow morning 10 o'clock.

THURSDAY, 20 November, 1788.

The House met.

Mr. Armstrong presented the Petition of Henry Spiers of Surry County, which was read, referred on the part of the Senate to Mr. Bryan, Mr. Armstrong & Mr. McCawley & sent to the House of Commons.

Mr. Reddick presented the Petition of Christopher Reddick of Gates County; which was read, referred on the part of the Senate to the Committee of Propositions & Grievances & sent to the House of Commons.

Mr. Amis presented sundry Payrolls for services performed in a late expedition against the Indians Commanded by General Martin; whereupon, it was ordered that they be referred to the consideration of a joint Committee and that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We herewith send you sundry payrolls for services performed in a late Expedition against the Indians Commanded by General Martin, which we propose shall be reported on by a joint Committee, and have appointed for this purpose on the part of the Senate Mr. McDowall, Mr. Graham, Mr. Lane, Mr. W. Hill, Mr. Chas. Johnston, Mr. Ben Williams, Mr. Dupree, Mr. Robinson and Mr. Willis.

Mr. Caswell laid before the House an account of Warrants granted by him when Governor, from the 26th of November, 1787, to the end of his Administration; which was read, referred on the part of the Senate to the Committee on Revenue and sent to the House of Commons.

Mr. Amis presented the Petition of Samuel Doake, of Hawkins County; which was read, referred to the Committee appointed on the pay rolls for the services performed against the Indians and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have received the Message of your House proposing to ballot for the several public officers therein mentioned, To-morrow at 4 O'Clock in the afternoon, with which we do not concur; but propose

that the several officers by you mentioned be ballotted for on Saturday next at 4 O'clock in the afternoon.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree to postpone the balloting for the public Treasurer, place at which the next Assembly shall be held, &c., until Saturday next as by you proposed.

Received from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

We have received the Message from your House, accompanied by Sundry Resolutions recommending to the people of this State to Elect Members in another Convention, &c., with which we do not concur as it now stands; we therefore propose the following amendments, viz: That the first resolution be amended to read thus:

“Resolved, That it is the opinion of this House a New Convention be recommended for the purpose of reconsidering the New Constitution held out by the Federal Convention as a Government for the United States.”

In the Second Resolution we propose as an amendment that the number of Persons to be Elected as Members for each County be altered from *Three to Five*. In the fourth we propose as an amendment that the Resolution be allowed to read “the third Monday in November” instead of the “last Monday in October.” Should your House agree to those amendments you will make the resolution conformable and we will then Concur.

The House taking the foregoing into Consideration Concurred therewith; whereupon, on Motion of Mr. Lenoir, seconded by Mr. Singleton, Ordered that the Yeas and Nays be taken on that part of the proposition of the House of Commons increasing the number of representatives from a County from *Three to Five* in the proposed Convention; which are as follows, viz: For Five Members from each County and for Concurring with the House of Commons Messrs. Dupree, McDowall, Ben. Williams, J. Hill, T. Johnston, Gregory, Payne, Ramsey, Caswell, Kenan, Robertson, Brickell, Hunt, Amis, Jones, Bryan, Binford, Bloodworth, McCawley, Keaton, Blount, Macon, McKinne, T. Brown, Auld, W. Brown, W. Hill, Stewart and Humphries.—29.

For three members from each County and for rejecting the proposition of the House of Commons—Messrs. McAllister, Reddick, Roddy, Graham, Dixon, Nesbit, Bunn, T. Johnston, Gaither, Willis, Tipton, Lane, Lenoir, Singleton & Webb.—15.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We consent to the whole of the amendments by you proposed to be made in the Resolutions of this House relative to the calling a Second Convention and now send it for your Concurrence.

Received from the House of Commons the following Resolution:

Resolved, That it be recommended by this Assembly to the Convention which is to meet on the third Monday in November to reconsider the New Constitution, That they also consider the propriety of allowing the Town of Fayetteville a Member to represent the said Town on the same terms with the other district Towns in this State.

The House taking this Resolution into Consideration, Concurred therewith.

Whereupon, on Motion of Mr. Hunt, seconded by Mr. Macon, Ordered that the Yeas and Nays be taken thereon, which are as follows, viz:

For Concurring with the Resolution—Messrs. Dupree, McDowall, McAllister, Ramsey, Kenan, Roddy, Robertson, Amis, Graham, Dixon, Nesbit, Bloodworth, T. Johnston, McCawley, Gaither, Willis, Armstrong, Tipton, Lenoir, Singleton, T. Brown, Auld and Webb.—23.

For rejecting this resolution—Messrs. Williams, J. Hill, Chas. Johnston, Gregory, Payne, Caswell, Brickell, Hunt, Reddick, Jones, Bryan, Bunn, Blount, Harvey, Macon, Lane, McKinnie, W. Brown, W. Hill, Stewart and Humphries.—21.

Received also, a Resolution proposing that this Assembly make choice of five Persons to represent this State in a Convention of the United States; which was read, Concurred with & returned.

Received likewise the Bill for the relief of the Creditors of Absentees Comprehended within the Confiscation laws; which was read, and on Motion, withdrawn for amendment by Mr. Jones.

On motion of Mr. Macon, seconded by Mr. Blount,

Resolved, That no person be allowed pay as a member of the State Convention and General Assembly for the same time.

Sent for Concurrence.

Mr. Hill delivered in the following report:

Your Committee, to whom was referred the Memorial of the Secretary of State, report that the Secretary be allowed one Thousand and Ninety Pounds Six Shillings and four pence as a Compensation for the depreciation of his Salary from June, 1777, until June, 1781. The Committee observe that this allowance is estimated on the lowest Salary the Secretary has received any one year since his appointment. Which is submitted.

W. HILL, Ch'n.

The House taking this report into Consideration, Resolved, That they do Concur therewith.

Received from the House of Commons a Report of the Committee on the Petition of Sundry Persons in behalf of Thos. Donneho and Wm. Sanders, and a Resolution entered into in Consequence thereof; which were read, Concurred with and returned.

Received also a Message from His Excellency the Governor, accompanied by several Resolutions & Acts of the Assembly of Virginia. Endorsed, read and referred to the Committee on Public Bills; which was read, referred in like manner and returned.

Reed. likewise the Bill to authorize and enable John Colson to return to this State and exercise the privileges of a Citizen; which being read was, on motion, withdrawn for amendment by Mr. Nesbit.

On motion of Mr. Jones, seconded by Mr. Caswell, Resolved, That the following be inserted as part of the Rules to be observed by this House, to-wit:

That in all questions on amendments proposed by the Commons to Bills, Resolves, or Reports, the Members of the Senate who are opposed to the amendments shall be entitled to keep their Seats.

Received from the House of Commons a Report of the Committee on the Petition of Charles Dixon; a Report of the Committee on the Petition of the Executors of Arthur Brown, dec'd, and the report of the Committee on the Petition of Stephen Hyde. Each endorsed, Concurred with; which being read were severally concurred with & returned. Also the resolution of this House in favour of Ozborn Jeffreys. Endorsed, Concurred with.

Received also the Petition of Wm. Evans. Endorsed, referred as by the Senate. And a Petition of David Johnston and Thomas Ner-

vett. Each endorsed, referred to the Committee of Propositions and Grievances; which were read, referred in like manner and returned.

Received likewise from the House of Commons the following Message:

Mr. Speaker & Gentlemen:

The Resolution of your House allowing Hodge and Willis, Public Printers, five Hundred Pounds for the purposes therein expressed we have thought proper to reject, and now send for your Concurrence a Resolution requesting His Excellency the Governor, to grant them a Warrant for five Hundred Pounds on their complying with a report of a Committee therein alluded to.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

The Resolution of your House in favour of Messrs. Hodge and Willis, Public Printers, we return you herewith Concurred with.

Received by way of the House of Commons a Message from his Excellency the Governor, enclosing a letter from the Superintendant of Indian Affairs. Endorsed, referred to the Committee on Indian Affairs; which being read was referred in like manner and returned.

Received also a Bill for adding part of Dobbs County to Pitt, and a Bill for altering the place of holding the Courts of Pleas and Quarter Sessions for the County of Montgomery; also a Bill for destroying Wolves, Crows, and Squirrels in the Counties therein mentioned. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were Severally laid over till the next Assembly.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We propose that the Petition of James Warrenton be referred to a joint Committee, and have for this purpose on our part appointed Mr. Chas. Johnston.

Received from the House of Commons a Petition of sundry the Inhabitants of Randolph County. Endorsed, referred to the Committee of Propositions and Grievances. And a Petition from a part of the Inhabitants of Green County. Endorsed, referred to the

Committee on Indian Affairs; which being read, each were referred in like manner and returned.

Mr. McKinnie presented a Petition of Lancer Kerr, of Wayne County, which was read, referred to the Committee of Propositions & Grievances and sent to the House of Commons.

Received from the House of Commons the following Bills, viz.:

A Bill to open a communication between Cape Fear river and upper Fayetteville by making Cross Creek navigable;

A Bill to amend an Act entitled "an Act to prevent domestic insurrection;"

A Bill to annex part of the County of Washington to Sullivan;

A Bill to amend an Act passed in the year 1783, intituled "an Act to vest certain Lands in fee simple in Richard Henderson and others;"

A Bill to empower the Wardens of the Poor in the County of Camden to lay a tax to enable them to settle the arrears due from the said County;"

A Bill for altering the manner for holding Elections for Members of the Assembly in Rowan County;

A Bill for dividing the County of Hawkins;

A Bill to repeal part of an Act passed at New Bern November, 1785, Intituled "an Act for destroying Wolves, Wildcats, Panthers, & Bears in the several Counties therein mentioned;" and

A Bill for the better ascertaining the Taxable property in the Town of Wilmington, and collecting the public and other Taxes which may be imposed therein, and for the further regulation of the said Town, and also for repairing the Episcopal Church of Saint James situated therein. Severally endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were each passed the first time in this House and returned.

Mr. Jones moved for leave and presented a Bill to direct in what Manner the Members of the General Assembly shall be paid for their services & attendance in future; which was read, passed the first time & sent to the House of Commons.

Mr. Willis moved for leave and presented a Bill to invest Thos. Maples, Jun., his Heirs and Assigns, forever with a Title in fee simple to a certain tract of Land; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons A Bill to amend an Act intituled "an Act to amend an Act passed at Fayetteville in November, 1786, intituled "an Act to amend an Act passed at New Bern in December, 1785, intituled an Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace out of Court, and directing the time of holding Courts in this State. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read, was on motion, rejected.

Mr. Chas. Johnston moved for leave and presented a Bill for the regulation of Edenton Ferry; which was read, passed the first time & sent to the House of Commons.

Mr. Lenoir moved for leave and presented a Bill to repeal part of an Act intituled "an Act to alter the mode of punishing Horse Stealing; also to repeal an Act to prevent horse Stealing; which was read, passed the first time & sent to the House of Commons.

Mr. Webb moved for leave and presented a Bill to enable John Crawford late Sheriff of Anson County, to collect the arrearages of Taxes for the year 1779; which was read, passed the first time & sent to the House of Commons.

Adjourned till To-morrow Morning 10 O'Clock.

FRIDAY, 21 November, 1788.

The House met.

Received from the House of Commons a Bill to impower the Court of Pleas and Quarter Sessions of the several Counties to levy a tax on the Inhabitants thereof for the purpose of erecting or repairing the Court Houses, Prisons and Stocks therein, when necessary; and a Bill for adding a part of Bladen County to Cumberland; also a Bill to amend an Act entitled "an Act to erect a town on the Lands of Matthew Figures in Northampton County." Each Endorsed, read the first time & passed.

Ordered that these Bills be read, which being read the Bill adding part of Bladen to Cumberland was laid over till next Assembly, and the other two passed the first time in this House & returned.

Received also from the House of Commons the following Bills, Viz:

A Bill to extend the line between the Counties of Burke and Rutherford, and to appoint Commissioners to run said line;

A Bill to suppress settling in the Counties therein mentioned;

A Bill to amend an Act intituled "an Act for appointing the place for holding Courts of Pleas and Quarter Sessions in the County of Sullivan," passed at Fayetteville, 1786;

A Bill to establish a mode of tryal of Slaves for capital offences;

A Bill to quiet in the possession of Wm. Scott certain Lands therein mentioned and described. Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the first time in this House and returned.

Received also from the House of Commons a Petition of James Craige. Endorsed, referred to Mr. Steele, Mr. Hamilton, Mr. Baker, Mr. Houser and Mr. Phifer on the part of this House; which being read was, on the part of the Senate, referred to Mr. Bryan, Mr. Lenoir, and Mr. Armstrong. Also a Report of the Committee on the Memorial of John Williams. Endorsed, Concurred with; which was read, concurred with by this House and returned.

Received likewise from the House of Commons a Bill to amend an Act intituled "an Act for the regulation of the town of Hillsborough;"

A Bill to appoint Commissioners to superintend the building a Prison & Stocks for the District of Fayetteville, and to levy a tax on the Counties within the said District for defraying the expences thereof;

A Bill empowering Thomas Johnston late Sheriff of Onslow County, his Heirs, Ex'rs or Administrators, to collect the Sinking Fund Tax due from this County for the year 1786, and for giving him or them a longer time for collecting and settling the same. Severally endorsed, read the second time & passed.

Ordered that these Bills be read, which being read each were passed the second time in this House and returned.

Received likewise a Bill to establish a town laid off at the Court House in Robeson County by the name of Lumberton;

A Bill to emancipate a certain Negro Slave named Phillis, late the property of George Jacobs of the Town of Wilmington, dec'd; and

A Bill to amend an Act "intituled an Act for the more regular collecting and accounting for and payment of the Public Tax." Severally endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the two first

were passed the second time in this House and returned and the latter on motion, rejected.

Mr. Jones presented the account of John Geddy late Sheriff of Halifax County, which was read and referred to the Committee of Claims.

Received from the House of Commons a Bill to quiet Thomas Brown of Bladen County, Esqr., in his Title to and possession of Divers Lands, Tenements & Hereditaments therein referred to. Endorsed, read the first time and passed.

And the Bill to annex part of Brunswick County to the County of New Hanover. Endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the former was passed the second time and the latter the third time in this House and returned.

Received also a Bill to confirm the rights and Titles of Several Citizens of this State in certain Negroes therein described, and preventing unjust and vexatious Law Suits;

And a Bill to encourage the building of Iron Works in this State. Endorsed, read the first time and passed.

Ordered that these Bills be read; which being read the first was passed the third and the latter the first time in this House and returned.

Ordered that Mr. Jones have leave to absent himself from the service of this House after the Seventh of December next, and that Mr. Blount have the like permission after.

Received from the House of Commons a Report of the Committee appointed to Confer with Mr. Alexander Drumgooll. Endorsed, Concurred with; which was read, Concurred with by this House and returned.

Adjourned till To-morrow Morning 10 O'Clock.

SATURDAY, 22 Nov., 1788.

The House met.

Read the Memorial of the Exr's of Colonel Henry Rhodes; whereupon, on Motion of Mr. Bloodworth, seconded by Mr. Stewart, Ordered that the following Resolution be entered into & sent to the House of Commons:

Whereas, it is made appear by the Exr's of Henry Rhodes, deceased, to the satisfaction of the General Assembly, that an account

of disbursements of public Monies in the Hands of the deceased has been found among his papers, which was unknown at the time of settling with the Comptroller, by which means a balance appears in favour of the public to the prejudice of the Estate of the said Rhodes, deceased, for remedy whereof,

Resolved, That the Comptroller be directed to examine and settle said accounts & the Treasurer be also directed to forbear commencing suit against the Exr's until the rising of next General Assembly.

Received from the House of Commons the following Messages:

Mr. Speaker & Gentlemen:

We agree that the Petition of Mr. Warrenton be referred to the joint Committee as by you proposed, and have for this purpose on our part appointed Messrs. Cabarrus & Horn. We also agree that the Petition of Elizabeth Fuzzle be reported on by the Committee to whom was referred the Petition of Jane Simpson.

Mr. Speaker, &c.:

We agree that the Payrolls for services performed on a late Expedition against the Indians be referred to a joint Committee as by you proposed, and have for this purpose appointed Mr. J. Brown of Wilkes, Mr. E. Robinson, Mr. Maxwell, Mr. Steele, Mr. Person, Mr. J. Jones, Mr. Cabarrus, Mr. Grove, Mr. Ward & Mr. John P. Williams to act with the Gentlemen by you appointed as a Committee.

Received also the Ac'ts of Warrants granted by Governor Caswell from the 26 November to the 16 December, 1787;

The Petition of Andrew Bass;

The Petition of Christopher Reddick;

The Petition of David Davis;

The Petition of Lancer Kerr of Wayne County, and the Petition of Sam'l Doake. Severally endorsed, read and referred as by the Senate.

Received likewise the Petition of Henry Spiers. Endorsed, referred on the part of this House to Hr. Houser, Mr. Mebane, Mr. Horn, Mr. Lewis and Mr. Caldwell. And a report of the Committee on the Petition of Henry Hill and Thomas Fitt. Endorsed, Concurred with; which being read was also Concurred with by this House and returned.

On motion of Mr. Harget, Resolved, That the Public Treasurer

be and he is hereby required to observe the following rules in issuing the final settlement Certificates in his possession, to wit.:

He shall issue them on the Furlough or discharge of the Soldier to whom they have been granted; or on the affidavit of such Soldiers that they never obtained Furloughs or discharges, or that having obtained such, they had lost and not sold them. He shall also issue on the affidavit of the Heirs or others claiming under deceased Soldiers, it being first certified on the back of such affidavits by the Court of the County in which the Claimant resides, that he or she is the legal representative of the Soldier who had so died in the service; and he shall likewise issue on written Orders, the person producing such Order first making Oath that he actually purchased of and obtained the same from the Soldier under whom he claims. Certificates from the late Commissioners of Army Accounts that Furloughs or discharges are lodged in that office shall also be good.

Sent for Concurrence.

Received from the House of Commons Sundry Payrolls from the County of Greene for services lately performed against the Indians. Endorsed, referred to the Committee appointed on the Payrolls for like services; which was read, referred in like manner and returned.

Received also the resolution of this House declaring that no Person in the next Assembly shall receive pay for his services as a Member thereof and of the Convention at the same time. Endorsed, Concurred with. And the following Message:

Mr. Speaker, &c.:

We herewith return the Resolution of your House for calling another Convention, Concurred with as amended.

Agreeable to the Order of the Day the Bill Ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Governor of this State to erect, execute a Deed or Deeds for the same, was called for and read, amended, passed the Second time and sent to the House of Commons.

Upon the passage of this Bill it was moved by Mr. Bloodworth seconded by Mr. Tipton, that the following clause, viz: "Be it Enacted by the General Assembly of the State of North Carolina and "it is hereby enacted by the authority of the same, that this State do "hereby Cede to the Congress of the United States for the said State "all right, Title and Claim which this State has to the Lands west of "the *Apalachian or Alleghany*, beginning where the Virginia Line

“intersects the extreme height of the said Mountain,” thence with the “said Mountain to the thirty-fifth degree of North Latitude, thence “running in the thirty-fifth Degree to the Mississippi, thence up the “Mississippi to thirty-six degrees thirty Minutes of North Latitude, “being the Northern Boundary of this State, thence along the Virginia Line to the first Station,” be amended by deleting the word *Apalachian or Alleghany* and inserting *Cumberland Mountains*. This being objected to and the question called for and taken thereon, was carried in the Negative, Whereupon, on motion of Mr. Bloodworth, seconded by Mr. Tipton, ordered that the Yeas and Nays be taken thereon which are as follows, viz. :

For the Amendment—Messrs. McDowall, McCallister, Payne, Ramsey, Kenan, Gray, Graham, Dixon, Nesbit, Bloodworth, Gaither, Tipton, Lenoir, T. Brown, and Webb—15.

Against the Amendment—Messrs. Dupree, Williams, C. Johnston, Gregory, Stewart, Humphries, Robertson, Brickell, Hunt, Reddick, Roddy, Montgomery, Amis, Jones, Bryan, Hargett, Binford, Bunn, T. Johnston, McCawley, Keaton, Harvey, Blount, Willis, Armstrong, Macon, Lane, McKinnie, W. Brown and W. Hill—30.

Received from the House of Commons a Message from His Excellency the Governor, relative to the settlement of the accounts of this State. Endorsed, referred to the Committee on Revenue; which was read & referred as by the House of Commons.

Received also a Memorial of Matthew McClure. Endorsed, referred to Mr. Steele, Mr. Hawkins, Mr. Person, Mr. Withrow, Mr. Gowdy & Mr. Baker; which being read was, on the part of the Senate, referred to Mr. Montgomery, Mr. Hunt and Mr. Graham & returned.

Mr. Jones, who had leave to withdraw for amendment the Bill for the relief of the Creditors of Absentees Comprehended within the Confiscation Laws, presented the same, which was read with the amendment, passed the second time and sent to the House of Commons.

Received from the House of Commons the Resignation of James Sanders, Jno. Summers, Richard Huff & Thos. Everett, Justices of the Peace, and of Friley Jones, First Major of Tyrrell County. Endorsed, accepted; also the following Message:

Mr. Speaker, &c. :

It was the sense of this House that the place for holding the next

Assembly at be ballotted for this Evening, altho' it was omitted to be expressed in our last Message.

Mr. Blount presented the Memorial of John Walker, of the Town of Wilmington; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Adjourned till 4 O'Clock P. M.

The House met according to Adjournment.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We are now ready to proceed to the balloting for a public Treasurer, place at which the next Assembly shall be held, &c.; and have appointed Mr. Macon and Mr. Dixon to superintend the same on the part of this House.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have appointed Mr. Person & Mr. Hamilton to Superintend and conduct the balloting on the part of this House.

On motion of Mr. Bloodworth, seconded by Mr. Kenan, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker. &c.:

It is the opinion of this House that the Superintendents of the balloting be requested to wait on those Members, in order to receive their Tickets, who from indisposition cannot attend.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We agree that the Inspectors appointed for the balloting shall wait on the Members who are sick and receive their Tickets as by you proposed.

Resolved, That on application of His Excellency the Governor, the Public Secretary be and he is hereby required to furnish attested transcripts of such and so many of the Laws of this State as shall be demanded, in order that they may be forwarded for the use and information of Congress.

Sent for Concurrence.

Mr. Macon and Mr. Dixon on the part of this House, and Mr. Person and Mr. Hamilton on the part of the House of Commons, now proceeded to conduct the balloting; which being ended Mr. Macon reported that John Haywood, Esquire, is appointed public Treasurer for the ensuing year. That Jonathan Loomiss, Esqr., is appointed Judge of the Marine Court of the Town of Washington. That John Smallwood is appointed Vendue Master for the Town of New Bern, and that no place had a Majority as the place at which the next Assembly shall be held.

The foregoing report being read, was Concurred with.
Adjourned till Monday Morning 10 O'Clock.

MONDAY, 24 Nov., 1788.

The House met.

Mr. Jones presented a representation of the Public Treasurer, which being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

With this you will receive a representation from the Public Treasurer which we propose shall be referred to the Committee on Revenue, except the latter part thereof, which we propose shall be immediately reported on by a Joint Committee and have for this purpose on our part appointed Mr. Jones, Mr. Hunt and Mr. Graham.

On motion of Mr. Macon, seconded by Mr. Overton, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker &c.:

No place having got a Majority of votes at the late balloting for a place at which the next Assembly shall be held, we now propose that the General Assembly proceed to that choice on Friday next at 4 O'Clock in the afternoon. We also propose that five persons be made choice of at the same time to represent this State in a Convention of the United States, and Nominate His Excellency Samuel Johnston, Mr. Iredell, Mr. Person, Mr. Bloodworth, Judge Spencer, Mr. Allen Jones, Mr. McDowall, Sen., Mr. Dupree, Mr. Lock and Mr. Alfred Moore.

Received from the House of Commons the following Bills, viz.:

A Bill to amend an Act entituled "an Act for the promotion of learning in the district of Wilmington;"

A Bill to amend an Act to prevent the exportation of unmerchantable commodities;

A Bill to regulate the Town of Edenton;

A Bill to levy a Tax in Gold or Silver on Specific articles, to pay the Interest of the Foreign Debt; and

A Bill to amend the several acts of Assembly to prevent dealing and trafficking with Slaves. Severally endorsed, read the first time & passed.

Ordered that these Bills be read, which being read each were passed the first time in this House and returned.

Mr. Lenoir delivered in the following report:

The Committee to whom was referred the Petition of James Craige, late Sheriff of Rowan County, have considered the same & report the draught of a Bill herewith presented as proper to be passed into a Law, as well for the relief of Mr. Craige as others.

WM. LENOIR, Ch'n.

The House taking this report into Consideration Concurred therewith. Whereupon, Mr. Lenoir moved for leave and presented a Bill for the relief of former Sheriffs, and for directing the Comptroller as to the manner of settling their accounts; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons a Petition of Thomas Bloodworth. Endorsed, referred to Mr. Everagin, Mr. Maxwell and Mr. Dixon; which being read was, on the part of the Senate, referred to Mr. Overton, Mr. Harvey and Mr. Kenan. Also a Petition of James Johnston and others; and a Petition of sundry of the Inhabitants of the County of Rowan. Each endorsed, referred to the Committee on Propositions and Grievances; which were read, referred in like manner and returned.

Mr. McAllister presented the Petition and Claim of Neil Kay; which was read, referred on the part of the Senate to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons a report of the Committee on the Petition of Henry Virrell. Endorsed, Concurred with. Also the following Message:

Mr. Speaker, &c.:

We propose that the General Assembly proceed to ballot at 4 O'Clock this evening for the place at which the next Assembly shall

be held. Mr. Hamilton and Mr. Steele will conduct the Balloting on the part of this House.

Received from the House of Commons the Bill to appoint Inspectors for the Ware House built in Fayetteville by Robertson Montfort and James Porterfield, established by act of Assembly December, 1785; and a Bill to revise part of an Act passed at New Bern in the year 1785 entitled "an Act for dividing Guilford County." Each endorsed, read the first time and passed. Also a Bill to quiet Thomas Brown, of Bladen County, Esquire, in his Title to and possession of divers Lands, Tenaments and Hereditaments therein referred to. Endorsed, read the Second time and passed.

Ordered that these Bills be read, which being read the two first was passed the second and the latter the third time in this House and returned.

Mr. Armstrong delivered in the following Report:

Your Committee, to whom was referred the Petition of Henry Spiers, one of the Justices of the Peace for the County of Surry, report,

That they have made diligent enquiry into the several Matters in the said Petition set forth, and strictly examined the several documents adduced in support of the same, from which it appears that the said Henry Spiers was by the last General Assembly suspended from acting as a Justice of the Peace for said County, on a charge alleged against him by Phil. Malcombe, until the said Spiers should acquit himself of the Charges. That from the voluntary confession of Halcombe, the accuser, it appears to your Committee that the said charge was groundless and that he, the said Halcombe, had no other reasons for thus accusing the said Henry Spiers than that of Malice; which confession is corroborated by the Testimony and Certificates of Gentlemen of indisputable character.

Your Committee, therefore, recommend that the resolution of the last General Assembly Suspending the said Henry Spiers from the exercise of the office of a Justice of the Peace for the County of Surry, be rescinded and that he be restored to his office again.

All which is submitted.

JAS. ARMSTRONG, Ch'm.

The House taking this report into Consideration Concurred therewith.

Received from the House of Commons a Petition of John Rutledge, Thomas Sumpter and others. Endorsed, referred to Mr. McDowall, Mr. Person, Mr. Steele, Mr. Cabarrus & Mr. Gowdy on the part of this House; which was read and referred on the part of the Senate, to Mr. Dixon, Mr. Bloodworth & Mr. McDowall.

Received also the following Message:

Mr. Speaker, &c.:

We agree that the Public Treasurer's representation be referred as by you proposed and have appointed on the part of this House, Mr. McDowall, Mr. Cabarrus, Mr. Gowdy, Mr. Leonard and Mr. Mebane to act with the Gentlemen by you named to report on the latter part thereof.

Mr. Overton presented the resignation of Willis Dickenson, First Colo. of the regiment of Militia in the County of Moore; which was read, accepted and sent to the House of Commons.

Received from the House of Commons a Report of the Committee on Revenue, on the Letters from the Board of Treasury, William Skinner, &c. Endorsed, Concurred with; which being read was also Concurred with and returned.

Received also a report of the Committee appointed on the Petition of James Warrenton. Endorsed, Concurred with; which was read, Concurred with by this House and returned.

Mr. McCawley moved for leave and presented a Bill for altering the time of holding Courts of Pleas and Quarter Sessions in the County of Orange; which was read, passed the first time and sent to the House of Commons.

Mr. Nesbit presented the resignation of Jesse McClendon and William Miller, Justices of the Peace for the County of Montgomery; which were read, accepted & sent to the House of Commons.

Received from the House of Commons the Bill to alter the manner of holding Elections for Members of the General Assembly in Rowan County, and the Bill to amend an Act intituled "an Act for the regulation of the Town of Hillsborough." Each endorsed, read the third time and passed.

Ordered that these Bills be read, which being read the first was, on Motion, laid over till the next Assembly, and the Latter passed the third and last time & ordered to be Engrossed.

Mr. Gallaway, the Member for the County of Rockingham, ap-

peared, presented the Certificate of his Election, was qualified agreeably to Law and took his Seat.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We do not concur with you in postponing the balloting for a place for the sitting of the next Assembly until Friday next, but propose to ballot this Evening at 4 O'Clock, as proposed in a former Message on that subject. We consent that five persons to represent this State in a Foederal Convention, be also ballotted for at the same time and approve of the nominations by you made, and have added thereto Mr. James Gallaway and Joseph McDowall, the elder.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We consent to ballot this Evening agreeable to your last proposition.

Mr. Binford presented the resignation of Howell Edmonds, Colo. of the Northampton Regiment of Militia; which was read, accepted and sent to the House of Commons.

Received from the House of Commons the Bill to Establish a Town laid off at the Court House in Robeson County by the name of Lumberton. Endorsed, read the Second time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

Read the representation of John Macon in behalf of Older Neal, whereupon,

Resolved, That the Public Treasurer be and he is hereby required to suspend the entering up Judgment against Older Neal for the Sum of Ten Thousand dollars until after the rise of the next Session of Assembly, sufficient reasons being shown wherefore this resolution should be entered into.

Received from the House of Commons the following report. Endorsed, read and Concurred with, to-wit.:

The Committee to whom the Petition of William Evans of the Town of Wilmington, was referred report,

That the said William Evans in the Fire on the Night of the 24th November, 1786, in the Town of Wilmington, had among other property consumed Certificates granted by the late Boards of Com-

missioners for liquidating Army Accounts to the amount of Seventeen Hundred and fifty-five pounds thirteen Shillings and ten pence, which by the test produced to the Committee appear all to be issued previous to the last sitting of the said Boards.

Your Committee being fully persuaded that the said Certificates were consumed in the said fire are of opinion & beg leave to recommend that a resolution be passed directing the Comptroller to issue to the said William Evans Certificates to the aforesaid amount in the names of those Persons to whom they were originally granted, to bear the same date and be entitled to draw interest accordingly.

Which is submitted.

THOS. PERSON, Ch'n.

The House taking this report into consideration, Concurred therewith.

Whereupon the Yeas and Nays being required by Mr. Jones, seconded by Mr. Macon, are as follows:

For concurring with the report—Messrs. Dupree, McDowall, McCalister, Payne, Kenan, Robertson, Brickell, Reddick, Montgomery, Roddy, Graham, Dickson, Bloodworth, Bunn, T. Johnston, McCawley, Daugan, Willis, Armstrong, Tipton, Lenoir, McKinne, Singleton, T. Brown, W. Brown, W. Hill, Webb, Stewart & Humphries—29.

For rejecting this report—Messrs. Williams, J. Hill, C. Johnston, Gregory, Gray, Hunt, Jones, Bryan, Hargett, Overton, Binford, Gaither, Macon and Lane—14.

Mr. Jones, in behalf of himself and others, moved for leave and presented the following as their reasons of dissent, viz.:

1st. That it is expressly repugnant to a Resolution of the General Assembly passed at Tarboro' in Nov. 1787, in these words:

“Resolved, That the General Assembly do not hold themselves bound to ensure or guarantee property of any kind to any Person, therefore will admit of no Claims for Money or Certificates either lost, Mislaidd or destroyed by any Mode or means whatever.”

2nd. That it opens a door to frauds innumerable by allowing Persons to swear themselves into unfounded Claims and demands against the State.

3rd. That it is at least necessary when any demand is made against the State for public Securities said to be lost or destroyed, that the

State should be convinced that the Securities on which such demand is made were good and that they shall not again come into circulation, or if they should be again circulated that the persons who have been already once paid for them should be accountable to refund; but even this last provision is not made by the resolution to which we dissent.

4th. That the People of this State are already pledged for the payment of vast Sums of Money, wherefore it must be improper for the Assembly to divert the public Treasure from the payment of Legal demands & lavish it in waste in donations to Individuals.

Willie Jones, Benj. Williams, E. Gray, J. Macon, J. Binford, Thos. Overton, Basil Gaither, M. Hunt, Isaac Gregory, A. Bryan, F. Hargett, Thomas Harvey.

Adjourned till 4 O'Clock P. M.

The House met according to adjournment.

On motion of Mr. Bloodworth, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c. :

We are now ready to proceed on the balloting agreed on, & have appointed Mr. Hunt and Mr. Dixon to conduct the same on the part of this House.

It is our opinion that the Superintendents have the like power with respect of taking the votes of the indisposed Members as were given those of the last balloting.

Mr. Hunt and Mr. Dixon, on the part of the Senate, and Mr. Steele and Mr. Hamilton on the part of the House of Commons, now proceeded to the balloting, which being ended Mr. Dixon reported, That Fayetteville is made choice of as the place at which the next Assembly will sit.

That Timothy Bloodworth, Thomas Person, Joseph McDowall and Matthew Locke, Esqrs., are appointed Members from this State to a Convention of the United States, and that there still remains one representative to the Foederal Convention to be ballotted for.

The House taking this report into Consideration, Concurred therewith.

Whereupon, on Motion of Mr. Macon, seconded by Mr. Blount, ordered that the following Message be sent to the House of Commons:

One Person to represent this State in a Convention of the United

States being yet to be balloted for, we propose that the two Houses proceed to make that choice this afternoon at 4 O'clock, and nominate Mr. William Lenoir.

At the request of James Gallaway, Esqr., his name is withdrawn from the nomination.

Mr. Gallaway presented a Petition of James Hunter, of Rockingham County, which being read it was, on Motion of Mr. Gallaway, seconded by Mr. Bloodworth, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker and Gentlemen:

We herewith send you a Petition of James Hunter, the subject Matter of which we propose shall be reported on by a joint Committee and that the Committee be instructed to report what steps are necessary to be taken to prevent like abuses in future; for this purpose we have appointed Mr. Gallaway, Mr. Hill and Mr. Bloodworth.

Received from the House of Commons the Bill for erecting a Town on the Lands of Thomas Dagan in Randolph County. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the second time & returned.

Mr. Gregory delivered in the following report:

The Committee of Privileges and Elections, authorized to consider of and report on the excuses offered in behalf of those Members who did not attend this Assembly agreeably to Law, Report:

That Mr. Richard Singleton, Mr. W. Hill, Mr. R'd. McKinne, Mr. Thomas Brown, Mr. Thomas Stewart, Mr. Jno. Humphries and Mr. James Gallaway appeared and having declared on Oath the several Circumstances which caused their delay.

Your Committee are of opinion that their excuses are sufficient and that the fines incurred by Law for their non-attendance be fully remitted.

Which is submitted.

ISAAC GREGORY, Ch'n.

The House taking this report into Consideration Concurred therewith.

Received from the House of Commons the Bill for the recovery of Debts hereafter incurred, according to contracts. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read it was moved by Mr. Gallaway, seconded by Mr. McCawley, that it be rejected. This being objected to and the question called for and taken thereon was carried in the affirmative; whereupon, on Motion of Mr. Macon, seconded by Mr. Chas. Johnston, ordered that the Yeas and Nays be taken on this question which are as follows, viz:

For rejecting this Bill—Messrs. Dupree, McCallister, Ramsey, Kenan, Brickell, Gray, Reddick, Montgomery, Roddy, Hargett, Graham, Nesbit, T. Johnston, McCawley, Gaither, Daugan, Willis, Armstrong, Tipton, Lenoir, Singleton, T. Brown, W. Brown, Webb & Humphries—25.

For the passage of this Bill—Messrs. McDowall, Williams, C. Johnston, Gregory, Payne, Hunt, Amis, Jones, Overton, Dickson, Binford, Bloodworth, Keaton, Harvey, Macon, Lane, McKinne, W. Hill and Stewart—19.

Received from the House of Commons the Bill to direct in what manner the Members of the General Assembly shall be paid for their Services and attendance in future. Endorsed, read the first time and passed.

Ordered that this Bill be read; which being read was amended, passed the second time in this House and returned.

Received also a Petition of Henry Lutterloch of the Town of Fayetteville. Endorsed, referred to the Committee on Propositions and Grievances; which being read was referred in like manner and returned.

Mr. Hill presented the Petition of George Ryan, late Sheriff of the County of Bertie, which was read and ordered to lie on the Table.

Received from the House of Commons the following Message:
Mr. Speaker, &c.:

We agree to ballot this Evening as by you proposed for the one person yet to be made choice of to represent this State in a Convention of the United States, and have added to the nomination Mr. John Macon.

Received also a Resolution requiring the several Committees to report on the Matters to them referred by Monday next, and declaring that no Bill of any kind be received after that day; which was read and on Motion, ordered to lie on the Table for consideration.

Received likewise the Bill to repeal part of an Act Intituled “an

Act to alter the mode of punishing Horse Stealing"; also to repeal an Act to prevent Horse Stealing. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise from the House of Commons the Bill for the regulation of Edenton Ferry. Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read it was moved by Mr. Hill, seconded by Mr. Stewart, that it be rejected. This being objected to and the question called for and taken thereon, was carried in the affirmative; whereupon, on Motion of Mr. Chas. Johnston, seconded by Mr. McCawley, Ordered that the Yeas and Nays be taken which are as follows, viz.:

For the pasage of the Bill—Messrs. Dupree, C. Johnston, Gregory, Kenan, Robinson, Hunt, Montgomery, Roddy, Amis, Hargett, Overton, Nesbit, Thos. Johnston, Harvey, Blount, Tipton, T. Brown, W. Brown, Humphries—19.

For rejecting the Bill—Messrs. Williams, Payne, Ramsey, Gray, Reddick, Jones, Graham, Dixon, Binford, Bloodworth, Bunn, McCawley, Keaton, Gaither, Dugan, Willis, Macon, Lane, W. Hill, Webb, Stewart, Gallaway—22.

Received from the House of Commons the report of the Committee on the Petition of Henry Spiers; the Resolution of this House in favour of the Ex'rs of Henry Rhodes; The Resolution in favour of Older Neal, and the resolution directing the Treasurer relative to issuing the Final Settlement Certificates in his Hands. Respectively endorsed, Concurred with.

Received also the following Message:

Mr. Speaker, &c.:

We agree that the Petition of James Hunter be reported upon as by you proposed, and have for this purpose appointed Mr. J. P. Williams, Mr. Hamilton, Mr. Gowdy, Mr. Ward and Mr. Steele.

Received likewise a Report of the Committee on the Petition of Will. Armstrong. Endorsed, Concurred with; which being read was also Concurred with and returned.

Adjourned till 4 O'Clock P. M.

The House met according to adjournment.

Received from the House of Commons a Report of the sub-Com-

mittee on Revenue No. I, respecting the Public Tobacco. Endorsed, Concurred with; which being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We do not concur with the report of the Committee on revenue as it now stands, but propose that it be amended by deleting from the word *that* in the recommendatory part marked 55 to the word *Fayetteville* inclusive, and substitute *Attorney General*. Should you agree to amend it thus we will then concur.

Received from the House of Commons the Bill for the relief of former Sheriffs, and for directing the Comptroller as the manner of settling their Accounts. Endorsed, read the first time & passed.

Ordered that this bill be read, which being read was passed the second time in this House and returned.

Adjourned till To-morrow Morning 10 O'Clock.

WEDNESDAY, 26 Nov., 1788.

The House met.

Mr. Bloodworth presented the petition of John Devane and Richard Herring; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Mr. Hunt delivered in the following report:

The Committee appointed to consider the last paragraph of the representation of the Treasurer Report,

That the Treasurer received into his office Certificates which were issued to Members of Assembly for attendance in April 1784 to the amount of Eight Hundred and fifteen pounds Six Shillings. It appears by the Testimony of Mr. William Blount that he delivered to Benjamin Exum, who was then in 1784, Treasurer of the District of New Bern, General Rutherford's Ticket for Eighteen pounds 4s and received the Money for it from Mr. Exum; and from the Testimony of Mr. Fred. Hargett that he gave in his Certificate to said Exum and received Money for it; so that these Certificates having been once paid, could not be again in Circulation without a fraud; but these two Certificates are included in the first mentioned Sum £815 6; therefore it follows that Mr. Exum himself has either thrown them into circulation since he received them or that they have been stolen from him, but there is great reason to believe that Mr. Exum himself is the guilty person, as they are informed that he paid

to John Coor Pender Certificates to the amount of three Hundred and Eighty Pounds 4s and which said Pender paid to the present Treasurer, and is part of the aforesaid Sum of £815.6.

Your Committee are informed that a certain Thomas Butcher, supposed to be confederate in this villainy with Mr. Exum, has circulated Certificates coming within the description aforesaid, to a considerable amount.

Mr. Glasgow, Secretary, informs the Committee that said Exum executed a Bond with Security for the year 1782, which is in his possession; but he believes he gave no Bond for 1783 & 1784, so that there can be no remedy but against Exum himself, as your Committee conceives, and that by Suit for Monies had & received for the use of the State.

Your Committee are of opinion that Mr. Haywood, the present Treasurer, be directed to state the case as fully as possible to the Attorney General, first obtaining on Oath all the Testimony which can be had here, as well with respect to the said Exum and Butcher, and that he transmit the same immediately by Express to the Attorney General and that the Attorney General be directed to take the most proper and effectual steps against said Exum and Butcher to obtain redress for the public. Your Committee are of opinion that the Treasurer be directed not to receive or pay any more of the Certificates granted as aforesaid for attendance in 1784.

All which is submitted.

A. HUNT, Ch'n.

The foregoing report being read was concurred with & sent to the House of Commons.

Received from the House of Commons a Report of the Committee on the Petition of sundry of the Inhabitants of Randolph County;

A Report of the Committee on the Petition of James Kerr;

A Report of the Committee on the Petition of David Johnston;

A Report of the Committee on the Petition of Nathan Hambrick; and

A Report of the Committee on the Petition of sundry Persons living on French Broad river. Severally endorsed, Concurred with; which being read were each Concurred with by this House and returned.

Received also a Memorial of James Witherspoon. Endorsed, re-

ferred to the Committee of Propositions & Grievances; and the Memorial of Robert Martin. Endorsed, referred to the Committee of Claims; which being read was, by this House, referred in like manner and returned.

Received likewise a Memorial of Griffith Jno. McRee. Endorsed, referred on the part of this House to Mr. McDowall, Mr. Sawyer & Mr. Hoskins; which being read was, on the part of the Senate, referred to Mr. Brown and Mr. Williams.

Received also a Memorial of John Hoskins. Endorsed, referred to the Committee of Claims; which being read it was, on motion of Mr. C. Johnston, Seconded by Mr. Gallaway, ordered that the following resolution be entered into & sent to the House of Commons.

Resolved, That the Comptroller be directed to receive and examine the Claims of John Hoskins for pay and Cloathing as set forth in his Petition to the General Assembly, and that he be authorized to dispence with so much of the Oath prescribed by Law as requires the Person presenting any Claim to swear that the same has not been before rejected by any of the Auditors of this State, or by the Comptroller, or any Committee of the General Assembly.

Mr. Speaker, &c. :

We do not agree with you in referring the Memorial of John Hoskins to the Committee of Claims, but propose that the resolution herewith sent on that subject be adopted.

Agreeable to the order of the Day the Bill for cutting a Navigable Channel from the Waters of Pasquotank River in this State, to the Waters of Elizabeth River in the State of Virginia, was called for and read; when it was passed the third time, amended and sent to the House of 'Commons.

Yeas and Nays being required on the passage of this Bill by Mr. Blount, seconded by Mr. C. Johnston, are as follows, viz:

For the passage of the Bill—Messrs. Dupree, McDowall, Williams, J. Hill, Gregory, Payne, Robinson, Brickell, Gray, Hunt, Reddick, Amis, Jones, Graham, Dixon, Nesbit, Binford, Bloodworth, Bunn, McCawley, Harvey, Willis, Armstrong, McKinne, Singleton, W. Hill, Webb, Tipton, Macon, Lane, Stewart, Humphries, Gallaway—33.

For rejecting this Bill—Messrs. McCallister, Chas. Johnston, Kenan, Montgomery, Roddy, Hargett, Overton, T. Johnston, Blount, Gaither, Dangan, T. Brown, W. Brown—13.

Received from the House of Commons the Memorial of John Walker and the Claim of Neil Ray. Each endorsed, referred to the Committee of Propositions and Grievances as by this House.

Received also the resolution of this House directing the Secretary to furnish such of the Laws of this State as shall be demanded by His Excellency the Governor. Endorsed, Concurred with.

Mr. Hill delivered in the following report:

The Committee on Western Territory and Indian Affairs Report, That your Committee are of opinion that a Commissioner ought to be appointed on the part of this State to Act with the Commissioners appointed by Congress for holding a Treaty with the Southern Indians, and that this State furnish Three Thousand three Hundred and Thirty-three and one third Dollars, her quota of Ten Thousand Dollars in Specie required by Congress for the purpose of holding such Treaty; and recommend the upper War Ford on French Broad River as the place most proper for holding said Treaty.

On the Memorial of Mary Bledsoe, accompanied by a deposition of Colo. James Robinson, setting forth that the Estate of the late Colo. Anthony Bledsoe and the said Colonel Robertson had become bound and liable to pay to James Hackett and Alexander Ewing the Sum of Two Hundred pounds for Services by them performed in carrying dispatches to the Creek Indians.

Your Committee are of opinion that the said Sum of Two Hundred pounds ought to be paid out of the Public Treasury and that His Excellency the Governor, be requested to grant a Warrant or Warrants for the same. With respect to the other part of the Memorial relative to presents made to the Chickasaw Nation to amount of One Hundred and fifty-one pounds your Committee are of opinion that the same ought not to be paid by the State.

All which is Submitted.

W. HILL, Ch'n.

The House taking this report into Consideration Concurred therewith.

On motion of Mr. James, seconded by Mr. Blount,

Resolved, That His Excellency the Governor, be directed to issue a proclamation requiring all Persons to withdraw themselves immediately from their settlements unlawfully made on the Land allotted by the State of North Carolina to the Cherokees for their hunting Grounds.

Resolved, That His Excellency the Governor, be requested to transmit a Talk or Talks to the Cherokees and Chickamawgaws, informing the said Indians that it is the wish of this State to establish a Peace; that a Commissioner will be appointed by this State to act jointly with Commissioners from South Carolina and Georgia to hold a Treaty with them for that purpose at the Upper War Ford on French Broad River in this State, as soon as may be and that he propose a cessation of Hostilities between the said Indians and the Citizens of this State until such Treaty can be effected.

Resolved, That His Excellency issue a Proclamation requiring the Citizens of this State to abstain from offensive operations against the Cherokees and Chickamawgaws until they shall receive further Orders.

Resolved also, That His Excellency be requested to grant a Warrant on the Treasury in favour of Mr. Alexander Drumgool for his attendance on the Assembly, allowing four pounds per day so long as he shall be detained here, including the Seventeenth day of this Month, and that the Treasurer pay the same.

On Motion of Mr. Lenoir, Resolved, That the Treasurer be directed to pay Richard Allen, late Sheriff of Wilkes County, the Sum of Twenty-three pounds Eight Shillings, it being a balance due to him on his settlement of the Public Taxes of said County for the year 1784, on account of a mistake and failure in the Clerk's return.

Resolved, That the Comptroller be directed to issue a Certificate to Richard Allen, late Sheriff of Wilkes County, for the Sum of Twenty-three pounds Eight Shillings, it being a balance due to said Allen on his settlement of the Public Taxes of said County for the year 1784, the said balance being due on account of an error in the Clerk's return. Sent for Concurrence.

Received from the House of Commons the following Message:
Mr. Speaker, &c.:

We agree to the amendment proposed by your House to the report of the Committee on revenue; have made the same conformable and now send it for your Concurrence.

Received also the resolution of this House in favour of John Hoskins. Endorsed, Concurred with. And a Petition of Nathan King. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

On motion of Mr. Jones, seconded by Mr. Blount,

Resolved, That His Excellency be instructed to write to Alex. McGilvray, Chief of the Cherokee Nation, and inform him that this State, in compliance with the requisition of Congress, will appoint a Commissioner to act for this State in conjunction with the Commissioners from South Carolina and Georgia, in holding a Treaty with the Southern Indians; and that he communicate to the said McGilvray the proceedings of the General Assembly to the said Treaty; and express the desire of this State to be at peace with the Creeks as well as the Cherokees.

Resolved, That His Excellency be authorized to draw a Warrant on the Treasurer for such Sum of Money as he may think necessary to defray the expense of sending Letters and Talks to the Cherokees, Chickamawgaws & Creeks, and that the Treasurer pay such Warrants.

Sent for Concurrence.

Adjourned till To-morrow Morning 10 O'Clock.

THURSDAY, 27 November, 1788.

The House met.

The Speaker laid before the House a Memorial from John Kimbrow, of Montgomery County; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons the Bill to impower the County Court of Cumberland to appoint Inspectors for the Ware House built in Fayetteville by Robertson Montfort and James Porterfield, established by an Act of Assembly Dec'r 1785. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read was amended, passed the third time and returned.

Agreeable to the order of the day the Bill once more to extend an Act intituled "an Act to pardon and consign to oblivion the offences and Misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins," was called for and read in which is the following Clause, viz.:

"Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that the said Act and every Clause thereof shall be and is hereby extended to all Persons within the Counties aforesaid who are desirous of avail-

ing themselves of the benefits and advantages held out to them by the said Act, and it is hereby declared that they are and shall be pardoned for the Crimes mentioned therein and for all crimes of a similar nature committed since the passing of the Act aforesaid and prior to the passing this Act, and fully restored to the privileges of *Citizens*." It was moved by Mr. Lenoir, seconded by Mr. Chas. Johnston, that this Clause be amended by adding the words *John Sevier excepted* immediately following the word *Citizens* in the last line thereof.

This amendment being objected to and the question called for and taken thereon was carried in the Negative; whereupon, the Yeas and Nays being required by Mr. Graham, seconded by Mr. Blount, are as follows, viz.:

For the proposed amendment—Messrs. Dupree, McDowall, Williams, McCallister, Chas. Johnston, Hunt, Jones, Graham, Dixon, Nesbit, Binford, Bloodworth, Daugan, Gaither, Tipton, Lenoir, Singleton, Webb, Gallaway—19.

Against the amendment—Messrs. J. Hill, Payne, Kenan, Robertson, Gray, Reddick, Montgomery, Roddy, Amis, Hargett, Overton, Bunn, T. Johnston, McCawley, Keaton, Harvey, Blount, Willis, Armstrong, Macon, Lane, McKinne, T. Brown, W. Hill.—24.

So the amendment was not received.

The Bill being now put on its passage was passed the third time and sent to the House of Commons.

Received from the House of Commons the Bill to empower the wardens of the Poor for the County of Camden to lay a tax to enable them to settle the arrears due from the said County; and the Bill for improving the Navigation of Albemarle Sound. Each endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read each was passed the second time in this House and returned.

Agreeable to the order of the Day the Bill for dividing the County of Davidson was called for, which being read, was passed the third and last time and ordered to be Engrossed. The Yeas and Nays being required on the passage of this Bill by Mr. Montgomery seconded by Mr. Overton, are as follows, viz.:

For the passage of the Bill—Messrs. McDowall, McCallister, Paine, Robertson, Roddy, Amis, Overton, Graham, Dixon, Bloodworth, Bunn, Blount, Gaither, Daugan, Willis, Armstrong, Tipton,

Macon, Lane, McKinne, Thomas, Brown, Singleton, Webb.—23.

Against the passage of this Bill—Messrs. Dupree, Williams, J. Hill, C. Johnston, Gregory, Kenan, Gray, Hunt, Montgomery, Bryan, Hargett, Binford, Thos. Johnston, Keaton, Harvey, W. Hill—16.

On Motion of Mr. Blount, ordered that he have leave to withdraw for amendment the Bill to amend an Act to establish a Superior Court of Law and Equity in the County of Davidson passed at New Bern in Dec'r 1785.

Received from the House of Commons a Bill to admit to record certain Deeds, Grants & patents for Lands heretofore obtained; and a Bill for the relief of Persons who have and may suffer for want of their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read each was passed the first time in this House and returned.

Mr. Nesbit, who had leave to withdraw for amendment the Bill to authorize and enable John Colson to return into this State and exercise the privileges therein mentioned, delivered in the same with the amendments; which was read, passed the first time and sent to the House of Commons.

Mr. Brown presented the Memorial of John Ellis of Bladen County; which was read, referred to the Committee of Propositions and Grievances and sent to the House of Commons.

Received from the House of Commons the Bill to suppress settling in the Counties therein mentioned; and the Bill to quiet in the possession of William Scott certain Lands therein described. Each endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the first was on motion, rejected and the latter passed the Second time in this House and returned.

On Motion of Mr. Macon, Seconded by Mr. Tipton, Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We have added Mr. Gallaway to the Committee on revenue.

Mr. W. Hill delivered in the following report:

Received from the House of Commons the Bill to encourage the draining and recovering a Tract of Land in Tyrrell County; and

A Bill to prevent the further importation of Slaves. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the first was passed the Second and the latter the first time in this House and returned.

Received also a Bill to amend an Act to prevent the exportation of unmerchable commodities, and the Bill to repeal part of an Act passed at New Bern in December, 1785, entitled "an Act for destroying Wolves, Wildcats, Panthers & Bears in the several Counties therein mentioned." Each endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each were passed the second time in this House and returned.

Received the resignation of Samuel Harrell, First Major of the Hertford Regiment of Militia, which was accepted and sent to the House of Commons.

Received from the House of Commons the report of the Committee on Indian Affairs, and the several resolutions of this House entered into on that subject. Endorsed, Concurred with.

On motion, ordered that Mr. Keaton have leave to absent himself from the service of this House after Saturday next during the Session.

Received from the House of Commons a resolution recommending to the Committee on Revenue to consider and report the advisability of continuing a further purchase of Tobacco for the use of the Public, which was read and Concurred with.

Received also the Resolution of this House in favour of Richard Allen, late Sheriff of Wilkes County. Endorsed, Concurred with.

Received likewise a Bill to punish House Breaking and other Crimes. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We propose that the two Houses proceed to ballot on Saturday next at 4 O'clock in the afternoon for the Delegate yet to be made choice of; an Agent to Superintend the settlement of the Accounts

of this State with the United States, and a Commissioner for holding a Treaty with the Indians.

We nominate for Delegates, Mr. Lenoir, Esq., and Judge Spencer; For an Agent to Superintend the Settlement of Accounts, Hugh Williamson, Benjamin Williams, Esqrs.; Commissioner for holding a Treaty with the Indians, Chas. McDowall, James Gallaway, John Steele and John Stokes, Esquires.

Received from the House of Commons a Bill for dividing the County of Mecklenburg. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the first time in this House and returned.

Adjourned till To-morrow Morning 10 O'clock.

FRIDAY, 28 November, 1788.

The House met.

Received from the House of Commons the Bill impowering Thos. Johnston, late Sheriff of Onslow County, His Heirs, Ex'rs or Administrators, to collect the Sinking fund Tax due from that County for the year 1786, and for giving him or them a longer time for collecting and settling for the same, and for extending this Act to the Counties therein mentioned.

Ordered that this Bill be read, which being read was passed the third and last time and ordered to be Engrossed.

On Motion, ordered that Mr. Gallaway have leave to withdraw for amendment the Bill to revise part of an Act passed at New Bern in the year 1785, entituled "an Act for dividing Guilford County."

Received from the House of Commons a Bill to emancipate a certain Negro Slave named Phillis, late the Property of George Jacobs of the Town of Wilmington, dec'd; and the Bill to annex part of the County of Washington to Sullivan. Each endorsed, read the second time & passed.

Ordered that these Bills be read, which being read the first was passed the third, and the latter the second time in this House and returned.

Received also sundry payrolls for services lately performed against the Indians. Endorsed, referred to the Committee to whom the Western Papers were referred; which was read, referred in like manner and returned.

Received likewise the Bill to annex part of Dobbs County to the

County of Jones; and the Bill to extend the line between the Counties of Burke and Rutherford and appoint Commissioners to run said line. Each endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each was passed the Second time in this House and returned.

On Motion of Mr. Blount, seconded by Mr. Gallaway, ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

The subject matter contained in the form of a Resolution herewith sent you we propose shall be reported on by a joint Committee and have for this purpose on our part appointed Mr. Gallaway, Mr. Blount and Mr. Bloodworth.

Received from the House of Commons the Bill for dividing the County of Washington. Endorsed, read the Second time and passed.

Ordered that this Bill be read; which being read was, on motion of Mr. Gallaway, laid over till the next Assembly.

Received also the Bill to amend an Act entitled "an Act to prevent domestic insurrections." Endorsed, read the Second time & passed. And the Bill to amend an Act entitled "an Act for appointing the place for holding Courts of Pleas and Quarter Sessions in the County of Sullivan," passed at Fayetteville 1786. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read were passed the Second time in this House and returned.

On motion of Mr. Jones, seconded by Mr. Gallaway, Resolved, That Genl. McDowall be appointed by this House to act with such person or persons as the House of Commons may appoint to confer with His Excellency the Governor, on the subject of sending a Messenger with a talk or talks to the Indians, and to advise and inform the Governor of the Nature and Value of such Service.

Sent for Concurrence.

Received from the House of Commons the Bill to amend an Act to direct the method of appointing Jurors & Surveyors to run out disputed Lands; and the Bill to amend an Act passed in the year 1783, entitled "an Act to vest certain Lands in Fee Simple in Richard Henderson & others." Each endorsed, read the second time and passed.

Ordered that these Bills be read, which being read each was passed the second time in this House and returned.

Received also the Bill to amend an Act entituled "an Act for turning out persons convicted of Indictments or presentments not being able or willing to pay the Fees of office or Gaolers Fees; and the Bill to establish a new mode of the Tryal of Slaves for capital offences. Each endorsed, read the second time and passed.

Ordered that these Bills be read; which being read were each, on Motion, rejected.

Mr. Lenoir moved for leave and presented a Bill to amend an Act passed at Tarborough in the year 1786, intituled "an Act directing the County Courts of Pleas and Quarter Sessions to appoint Coopers and turners up of Tobacco; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Bill to amend the several Acts of Assembly to prevent dealing and trafficking with slaves; and the Bill to encourage the Building of Iron Works in this State. Each endorsed, read the second time and passed.

Also the Bill to enable John Crawford, late Sheriff of Anson County, to Collect the Arrearages of Taxes for the year 1779; and the Bill to invest Thomas Maples, Jr., his Heirs and Assigns forever, with a Title in Fee Simple to a certain Tract of Land therein described in the County of Moore. Each endorsed, read the first time & passed.

Ordered that these Bills be read, which being read were severally passed the second time in this House and returned.

Received also the Memorial of John Ellis. Endorsed, referred as by the Senate.

A Petition of Robert Alexander. Endorsed, referred to the Committee of Propositions and Grievances; which was read, referred in like manner and returned.

Received likewise a Report of the Committee on the Memorial of Samuel Marley. Endorsed, Concurred with; which being read was concurred with by this House and returned. And a resignation of Frances Oliver, Justice of the Peace in the County of Duplin. Endorsed, accepted; which was read, also accepted of by this House and returned.

Mr. Hill moved for leave and presented a Bill to secure to Thos. Bloodworth, his Heirs and Assigns, the exclusive right of building

Mills upon the principle of the oblique Wheel; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Bill for erecting a Town on the Land of Thomas Dagan in Randolph County. Endorsed, read the third time and passed. And the Bill to alter the name of Port Brunswick to that of Port Wilmington. Endorsed, read the third time and passed.

Ordered that these Bills be read, which being read the first was passed the third time in this House and ordered to be Engrossed; and the latter, on Motion, rejected.

Received also the Bill for improving the Navigation of Albemarle Sound, and the Bill to amend an Act entituled "an Act to erect a Town on the Lands of Matthew Figures in Northampton County." Each endorsed, read the Second time and passed.

Ordered that these Bills be read; which being read the former was passed the third, and the latter the second time in this House and returned.

Received likewise the Bill to empower the Wardens of the Poor for the County of Camden to lay a tax to enable them to settle the arrears due from the said County; the Bill to amend an Act entituled "an Act for the better regulation of the Town of Fayetteville," passed at Tarborough in November, 1787, and the Bill to appoint Commissioners to superintend the building a prison and Stocks for the district of Fayette and to levy a Tax in the Counties within the said district for defraying the expences thereof. Each endorsed, read the third time, amended and passed.

Ordered that these Bills be read, which being read were severally passed the third and last time and Ordered to be Engrossed.

Mr. Blount, who had leave to withdraw for amendment the Bill to amend an Act entituled "an Act to establish a Superior Court of Law and Equity in the County of Davidson," passed at New Bern in December, 1785, delivered in the same, with the amendments, which was passed the second time and sent to the House of Commons.

Received from the House of Commons the Bill for the relief of Thos. Craike and Jas. Walker, the Executors of John Ancram, and the Administrators of John Foster, dec'd. Endorsed, read the first time & passed.

Ordered that these Bills be read; which being read was passed the second time in this House and returned.

On motion, ordered that Mr. Blount have leave to withdraw for amendment the Bill for the relief of persons who have and may suffer for their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointd by Law, and to direct Transcripts of the records of Orange County to be made.

Received from the House of Commons the following Messages:

Mr. Speaker, &c.:

The Commons have on their part appointed Mr. E. Jones, Mr. Phifer, Mr. Cabarrus, Mr. Steele and Mr. Craike to act as a Committee with the Gentlemen by you appointed, to report on the subject matter contained in the resolution by you referred to.

Mr. Speaker, &c.:

We agree to ballot at the time by you proposed for the officers mentioned in your Message of this day and approve of your Nominations, and have added thereto for an Agent for the settlement of the Accounts of this State with the United States Mr. Abisha Thomas and for Commissioner for holding a Treaty with the Indians, Mr. McDowall, Jun., and General Caswell.

Mr. Speaker, &c.:

We have appointed Mr. Craike and Mr. Person to act with Genl. McDowall for the purpose of conferring with His Excellency the Governor, on the subject of sending a Talk or Talks to the Indians, &c.

Received also the Bill to quiet in the possession of William Scott, certain Lands therein described. Endorsed, read the third time and passed. And a Bill concerning recognizances. Endorsed, read the first time and passed.

Ordered that these Bills be read, which being read the former was passed the third time and ordered to be Engrossed, and the latter was passed the first time in this House and returned.

Adjourned till To-morrow Morning 10 O'clock.

SATURDAY, 29 November, 1788.

The House met.

Mr. Bloodworth presented the Petition of Charles Simpson in behalf of the Orphans of John Gilvard, dec'd; which was read, re-

ferred to Mr. Kenan, Mr. Bloodworth and Mr. Hargett on the part of the Senate, and sent to the House of Commons.

Mr. Hardy Holmes, the Member for the County of Sampson, appeared, presented the Certificate of his Election, was qualified agreeably to Law and took his Seat.

Mr. Armstrong presented a Petition of Adam Lawrence, late a Surgeon in the Continental Line of this State; which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons the Bill to revive part of an Act entituled "an Act to suppress excessive gaming"; which was read, amended by consent of the House of Commons, passed the third time and ordered to be Engrossed.

Mr. Bloodworth delivered in the following report:

The Committee, to whom was referred the resolution submitted by Mr. Blount, Report,

That they have examined and amended the same to read as follows, & think them proper and necessary to be entered into by the Gen'l Assembly.

Resolved, That all Treaties made with any Tribe or Nation of Indians whereby Lands are allotted to them for hunting Grounds within the chartered limits of the State, other than those allotted by the Law of the State heretofore made, are a violation of the Constitution and not warranted by the Confederation of the United States.

Resolved, That all and every Person holding Lands under Grants legally obtained from this State shall be protected in the possession of the same, any Treaty made by Commissioners appointed by the United States with any Tribe or Nation of Indians to the contrary, notwithstanding.

Which is submitted.

TIMOTHY BLOODWORTH, Ch.

The House taking this report into Consideration Concurred therewith.

Received from the House of Commons the following Message:
Mr. Speaker, &c.:

We propose that the recommendations for Justices and Field officers for the Several Counties where necessary, be made this Even-

ing, to the end that Commissions may be issued previous to the rising of the Assembly.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree that the recommendations for Justices and Field officers to be appointed by the present Assembly be presented this afternoon.

Received from the House of Commons the Bill to amend an Act intituled "an Act to establish a Superior Court of Law and Equity in the County of Davidson," passed at New Bern in December, 1785. Endorsed, read the second time & passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

On motion of Mr. Jones, seconded by Mr. Williams,

Resolved, That Commissions on Drawbacks for Molasses distilled, and Commissions on drawbacks for Goods reshipped shall not be allowed or paid by the State to the Collectors in future; but that the Collectors shall be entitled to a Commission of Two and an half per cent. on the drawbacks for Molasses distilled, to be paid by the distiller, and the like Commission on the Bonds given for payments of duties on Goods which shall be reshipped, to be paid by the persons reshipping such Goods, as a full compensation for their trouble in the Cases aforesaid.

Mr. Speaker, &c.:

We have received and considered of the report of the Committee appointed on revenue, with the whole of which we do not concur; but propose that the latter part thereof which respects impost on drawbacks for Molasses distilled, &c., be expunged, and that the resolution of this House herewith sent you on that Head be adopted.

The Bill for the relief of Persons who have and may suffer for want of their Grants, Deeds & Mesne Conveyances not being proved and registered within the time heretofore appointed by Law, &c., was read and laid over till the next Assembly.

Mr. Hill delivered in the following report:

The Committee to whom the Petition of Edward Tinker, of the Town of New Bern, was referred, Report that in March, 1780, the said Edward Tinker purchased at a Sale of Confiscated property in

the Town aforesaid, a small Lott or half Acre of Land supposed to be the property of Sam'l Cornell, for which he paid the sum of Six Thousand and sixty-five Pounds Currency.

That afterwards a certain Richard Nassau Stephens, in right of his wife, claimed the said Lott or half Acre of Land, and instituted a Suit in the Superior Court for New Bern District and recovered the same, as appears by the transcript of the record herewith presented.

Your Committtée are of opinion that the aforesaid Sum of Six Thousand and Sixty-five Pounds currency, which by the scale of forty for one produces the Sum of one Hundred and Fifty one pounds 12s 6d together with two Hundreds Pounds, the valuation of improvements made on the said Lot or half Acre of Land by the said Edward Tinker, ought to be paid him by the Treasury, wherefore they beg leave to recommend the following resolution, viz:

Resolved, That the Treasurer be directed and authorized to pay the aforesaid Sums amounting in the whole to three hundred and fifty-one pounds 12s 6d to the said Edward Tinker, and be allowed for the same in the settlement of his Accounts.

Which is submitted.

W. HILL, Ch'n.

The foregoing report being read was rejected.

Whereupon, on motion of Mr. Gallaway, seconded by Mr. Blount, Ordered that the following Resolution be entered into and sent to the House of Commons for their Concurrence.

Whereas, it appears that in March, 1780, Edward Tinker purchased at a Sale of Confiscated Property in the Town of New Bern, a small Lott or half Acre of Land in the said Town, supposed to be the property of Samuel Cornell, for which he paid the sum of Six Thousand and Sixty-five pounds Currency, that afterwards a certain Richard Nassau Stephens in right of his wife, claimed the said Lott or half Acre of Land and instituted a suit in the Superior Court for New Bern District and recovered the same, as appears by a Transcript of the record.

That the aforesaid Sum of Six Thousand and Sixty-five pounds currency reduced by the scale of Forty for one produces the Sum of one Hundred and fifty one pounds 12s 6d of the present currency.

Resolved, That the Treasurer be and he is hereby authorized and directed to pay to him, the said Edward Tinker, the aforesaid Sum of

one Hundred and Fifty one Pounds Twelve Shillings and six pence, with interest from the said Month of March until paid.

Received from the House of Commons the Bill for the relief of Persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law, and to grant a further time for registering certain Grants heretofore re-issued from Lord Granville's office, and to direct the Transcripts of the records to be made of Orange County. Endorsed, read the first time and passed. And the Bill to admit to record certain Deeds, Grants & patents for Lands heretofore obtained. Endorsed, read the second time and passed.

Ordered that these bills be read, which being read each was passed the second time in this House and returned.

Mr. Dickson moved for leave and presented a Bill to establish a Company for opening the Navigation of the Catawba river; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons a Petition of Wm. Johnston. Endorsed, referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Mr. Payne presented the resignation of A. Murfree, Colo. of the Caswell Regiment of Militia; which was read, accepted and sent to the House of Commons.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

The Bill for establishing a Superior Court of Law and Equity in Davidson County having now passed into a Law, we propose that a Brigadier General and Colo. of Cavalry for the district of Mero be balloted for this Evening, and nominate for Brigadier General W. T. Lewis, Daniel Smith and Sam'l Barton; for Colo. of Cavalry, Robert Hayes and Edward Hickman.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree to ballot for the Military officers mentioned in your Message of to-day, and approve of the Nominations and propose that a Major and Second Major for the regiment of Cavalry in the District of Mero be made choice of at the same time, and nominate for First

Major James Lewis, and for Second Major Jonathan Drake. We also propose in order to expedite this business, that the Persons who have the greatest number of votes, the Brigadier excepted, be returned legally appointed.

Received from the House of Commons the Memorial and representation of John Hunt. Endorsed, referred to the Committee on Revenue; which was read, referred in like manner and returned.

Received also the following Message:

Mr. Speaker, &c.:

We propose that the consideration of the report of the Committee of Propositions and Grievances on the Petition of the Ex'rs of Aethur Brown, dec'd, be taken up and recommitted to the same Committee.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We consent that the report of the Committee on the Petition of the Ex'rs of A. Bryan, dec'd, be recommitted agreeable to your proposition.

Pursuant to order, the House now took up the consideration of the resolution introduced by Mr. Jones, which are as follows:

Whereas, the representation of the people of this State is so numerous, that it is already become burthensome to the people;

And whereas, the said representation is also very unequal and oppressive in as much as there are many Counties which have not hitherto paid Taxes into the public Treasury sufficient even to defray the expence of their representation in the General Assembly, and yet the said Counties stand upon the same footing as to the number of representatives as those Counties which contribute the greatest proportion of taxes towards defraying the Expences of Government & payment of public Debts;

And whereas, representation ought to be distributed to the different parts of the State in proportion to the share which such parts respectively bear of the public burthens.

Resolved, therefore, That the Convention directed to meet for the purpose of considering the Constitution proposed for the Government of the United States be and they are also authorized to take under consideration the subject of representation, and to alter and amend

the Constitution of this State agreeable to the principles hereinbefore mentioned; and such alteration and amendment as they shall make in this respect shall be a part of the Constiution and be equally binding on the people as any other part of the Constitution.

A concurrence to these restrictions being objected to by Mr. Bloodworth, seconded by Mr. McCawley, and the Yeas and Nays called for and taken by way of determining the question are as follows, viz:

For the resolutions—Messrs. Dupree, Williams, J. Hill, Chas. Johnston, Gregory, Payne, G. Gray, Reddick, Montgomery, Jones, Bryan, Binford, Bunn, Keaton, Harvey, Blount, Macon, McKinne, W. Hill, Humphries, Gallaway and Stewart.—22.

Against the resolutions—Messrs. McDowall, McAllister, Kenan, Roddy, Amis, Hargett, Graham, Dickson, Nesbit, Bloodworth, T. Johnston, McCawley, Gaither, Daugan, Willis, Armstrong, Tipton, Lenoir, Singleton, T. Brown, Webb, Holmes.—22.

An equal number of votes appearing for and against the resolution, it devolved on the Speaker to determine the question, who gave it as his opinion that the resolutions should not pass—so they were rejected—whereupon, on motion of Mr. Blount, seconded by Mr. Hargett, the House resolved as follows, viz:

Resolved, That it be recommended to the people of this State to authorize and direct their representatives to be Elected for the purpose of deliberating and determining on the proposed Federal Constiution for the future Government of the United States, to take into their serious consideration the second and third articles of the Constitution of this State, and to alter them that the legislature may be less expensive and its measures be more stable and uniform.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have received the resolution of your House relative to the drawbacks for Molasses distilled, and Commissions on drawbacks for Goods reshipped, as also a proposition for expunging that part of the report of the Committee on revenue relative to that subject. The Resolution we return you Concurred with; have made the report conformable to your Proposition & send it for Concurrence.

Mr. Speaker, &c.:

We agree that a First and Second Major for the district of Mero be also balloted for this evening; we have added Mr. Benj. Hawkins

to the Nomination for delegate, and James McLendon for Second Major of Cavalry. We agree that the officers having the greatest number of votes as by you proposed be declared duly Elected, and have appointed Mr. Mebane and Mr. Skinner to superintend the balloting.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

On motion of Mr. Brown, Ordered that the following Resolution be entered into & sent to the House of Commons for Concurrence:

Whereas, Anthony Maulsby has represented that he has a Sum of Money amounting to Nine pounds currency so defaced by accident that it will not circulate,

Resolved, That the Treasurer be directed to exchange the said Money with Maulsby out of the Money belonging to the sinking Fund, and that the Money so defaced be burnt.

Adjourned till 4 O'Clock p. m.

The House met according to adjournment.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We are now ready to proceed to the balloting and have appointed Mr. McKinne and Mr. McCawley to superintend the same on the part of the House.

Pursuant to the determination of the two Houses, Mr. McCawley & Mr. McKinne on the part of the Senate, and Mr. Skinner and Mr. Mebane on the part of the House of Commons, now proceeded to conduct the balloting; which being ended Mr. McCawley reported that William Lenoir, Esquire, is appointed Delegate from this State to a Convention of the United States; that John Steele, Esquire, is made choice of as Commissioner on the part of this State to superintend the Indian Treaty; that Daniel Smith is appointed Brigadier General for the District of Mero; that Robert Hayes is appointed Colo. of Cavalry for the above mentioned District, James Lewis, First Major, and James Clendennin, Second Major of the same; and that no person appears to have a Majority of votes as Agent to Superintend the Settlement of the Accounts of this State with the United States.

The House taking this report into Consideration concurred therewith.

Received from the House of Commons a Bill to empower the Commanding Officers of Greene and Hawkins Counties to erect a station or stations on the North side of Tennessee River, in the district of Washington, to protect the citizens of this State to settle on the lands entered in John Armstrong's office, and to prevent Hostilities on the Cumberland road, and for other purposes therein mentioned; and a Bill to prevent the Exportation of Raw Hydes, pieces of Hydes of Black Cattle and Calf Skins, also of Beaver, Raccoon, Fox, Wildcat and lesser Furs, and all skins of the above Nature. Each endorsed, read the first time and passed.

Ordered that these Bills be read, which being read each was passed the first time in this House and returned.

Mr. Bloodworth moved for leave and presented a Bill to punish persons guilty of the Sin of Adultery, Incest and Polygamy; which was read, passed the first time & sent to the House of Commons.

Mr. Gallaway had leave to withdraw for amendment the Bill to revive part of an Act passed at New Bern in the year 1785, entitled "an Act for dividing Guilford County," presented the same, with the amendments; which was read, passed the second time & sent to the House of Commons.

Received from the House of Commons the Report of the Committee on the Petition of Griffith John McRee. Endorsed, concurred with; which being read was also Concurred with by this House and returned.

On motion of Mr. Jones, seconded by Mr. Brown, ordered that the following Resolution be entered into and sent to the House of Commons for Concurrence, viz:

Whereas, Griffith John McRee, Commissioner of Confiscated property in Wilmington District, has informed the Committee on revenue that he has in his Hands about Ten Thousand Pounds in certificates, which he has received since his settlement with the Comptroller in part of the balance due to the State.

Resolved, That Mr. Thomas Stewart, in conjunction with such Person as the House of Common may appoint, be authorize to receive the same of Mr. McRee and deposit them with the Treasurer to be transmitted to the Comptroller, and the receipts of the persons so ap-

pointed shall operate in the same manner as if it were signed by the Comptroller himself.

Mr. McDowall delivered in the following report:

The Committee appointed to confer with his Excellency the Governor, on the subject of a Talk or Talks to the Indians, and on the subject of sending a Messenger with the said Talks, and of the nature and value of that service;

Report that they have waited on His Excellency the Governor, and highly approve of the Talks by him prepared to forward to the Cherokees and Chickamawgaws and the Letter to Mr. Gilvray the Chieftain amongst the Chief Tribe of Indians.

Your Committee further report that they have conferred with Mr. Drumgooll on the subject of taking forward the Talks to the Indians as aforesaid, and made report thereof to His Excellency the Governor; that Mr. Drumgooll will perform that service faithfully on the part and behalf of this State for the consideration of the Sum of three Hundred Pounds Currency.

Which is submitted.

CHAS. McDOWALL, Ch.

The House taking this report into Consideration Concurred therewith.

On Motion of Mr. Jones, Seconded by Mr. McDowall,

Resolved, That His Excellency be authorized and requested to grant a Warrant on the Treasurer for Three Hundred Pounds in favour of Mr. Alex. Drumgooll in full of his wages for Services to be performed, viz: For carrying and delivering Talks and Letters to the Cherokees and Chickamawgaws, and Mr. Alex McGilvary Chief of the Creeks, and bring back answers to such Talks and Letters respectively, to be by him delivered in a reasonable time to General Chas. McDowall at the Quaker Meadows; the said Alex. Drumgooll first giving bond with sufficient Security to His Excellency for the performance of the services aforesaid.

Resolved, That the Treasurer be directed to pay the Warrants above mentioned out of the Monies now in the Treasury.

Received from the House of Commons the Bill for the relief of Thos. Craike & J. Walker, the Ex'rs of John Ancram, and the Administrator of John Foster, dec'd; and the Bill to impower the Courts of Pleas and Quarter Sessions of the Several Counties to Levy a tax

on the Inhabitants thereof for the purpose of erecting or repairing the Court House, Prison & Stocks therein, when necessary, and for directing the manner of appointing the several County officers therein mentioned. Each Endorsed, read the Second time and passed.

Ordered that these Bills be read, which being read each was passed the second time in this House and returned.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have appointed Mr. Mebane & Mr. Gowdy to act with Mr. Thomas Stewart for the purpose of receiving from Mr. McRee the Certificates referred to on the resolution of your House.

Received also a resolution appointing John Daves, Esqr., Superintendent of the Public Buildings in the Town of New Bern, which was concurred with and returned; also the resolution of the House in favour of Griffith John McRee. Endorsed, Concurred with.

Received likewise the Resolution of this House in favour of Anthony Maulsby, and the Resolution in favour of Edward Tinker. Endorsed, each Concurred with.

The Speaker laid before the House a Petition of Will Dent of Guilford County, which was read, referred to the Committee of Propositions and Grievances & sent to the House of Commons.

Received from the House of Commons the Bill for the relief of Persons who have suffered or may suffer by their Grants, Deeds & Mesne Conveyances not being proved and registered within the time heretofore appointed by Law, and to grant a further time for registering certain Grants heretofore issued from Lord Granville's office, and directing transcripts of the records of Orange and Tyrrell Counties to be made. Endorsed, read the Second time & passed.

Ordered that this Bill be read; which being read was amended, passed the third time & sent to the House of Commons.

On Motion of Mr. Jones, Seconded by Mr. Hill,

Resolved, That Memucan Hunt, Alex Mebane, W. Walters & Mr. McCawley be appointed Commissioners, and they or any two of them are hereby authorized to receive of the Comptroller all Warrants, Certificates, old Dollar Bills and other public Securities to punch and deface the same, so as to prevent the future circulation of them; and the said Commissioners are directed to meet for the purpose aforesaid at Hillsborough on the first Monday in March next, and to

continue to sit from day to day until the business is completed; and they are further directed to report their proceedings herein to the next General Assembly, and to exhibit their Accounts on Oath for their Services, and each and every of the said Commissioners shall then be allowed Twenty Shillings per day for every day they shall actually serve.

Sent for Concurrence.

Mr. Graham moved for leave and presented a Bill for possessing Lands, which was read, passed the first time & sent to the House of Commons.

Adjourned till To-morrow Morning 10 O'clock.

TUESDAY, 2 December, 1788.

The House met.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We have rejected the recommendation for Justices for the Counties of Dobbs and Richmond.

We have also erased the name of Alexander McIver from the recommendation of Cumberland.

We have likewise rejected the recommendation of officers for Hawkins County. With the whole of the others we have concurred and send you a list herewith, which we request you will cause to be handed His Excellency the Governor, immediately.

Received from the House of Commons a Petition of Hugh McDonald. Endorsed, referred to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Received also the resolution of this House appointing Commissioners to examine and punch the Certificates in the Comptrollers office. Endorsed, Concurred with.

Received likewise the report of the Committee on the Petition of Lancer Kerr; a Report of the Petition of Richard Goode; a report on the representation of John Hunt; a Report of the Accounts of John Armstrong, and a Report of the Committee on the Petition of John Oliver. Severally endorsed, Concurred with; which being read were each Concurred with and returned.

Read the Petition of General Rutherford, whereupon,

Resolved, That General Griffith Rutherford be allowed until the first Monday in November next to close his Accounts with the State, and that the Comptroller & Treasurer be directed to govern themselves accordingly.

Mr. Hill delivered in the following report:

The Committee appointed to consider Mr. Iredell's application to the Assembly respecting the Acts that have been repealed or disallowed by the King's proclamation during the time this was a province of the British Crown; Report,

That the Secretary of State be and he is hereby directed to make diligent Search in his office for such proclamation as repealed or disallowed certain Acts of the General Assembly, or any other papers or documents as may tend to elucidate the business, and forward the same to Mr. Iredell to enable him to proceed on the revisal of the Laws of this State.

The Committee are of opinion that if no information can be obtained respecting the Acts of Assembly repealed as aforesaid, that Mr. Iredell proceed on the business of the revision; inserting such Acts as he may conceive to be in force, not incompatible with the principles of the resolution or Constitution & Government of this State.

Which is submitted.

W. HILL, Ch.

The House taking this report into consideration Concurred therewith.

On motion of Mr. Hill, seconded by Mr. Stewart,

Resolved, That the Treasurer be and he is hereby directed to pay to James Iredell, Esqr., the Sum of Two Hundred and Fifty pounds as a Compensation, in part, for his services in revising the Laws of this State, for which he is to be accountable, and that the Treasurer be allowed the sum in the Settlement of his accounts.

Sent for Concurrence.

Mr. Jones moved for leave and presented a Bill to amend an Act entituled "an Act directing the Sale of Confiscated property;" which was read, passed the first time and sent to the House of Commons.

Mr. Gallaway, from the Committee, delivered in the following Report:

The Committee to whom was referred the Petition of James Hun-

ter, Esqr., late Sheriff of Guilford County, report,

That it appears by the Certificate of Thomas Searcy, Clerk of the County aforesaid, That Patrick Haley was appointed Collector of the public Tax for the year 1785, of whom the Court took no Security. That James Hunter, Sheriff of said County, at May Court 1786, obtained a Judgment for Forty-three Pounds Eleven Shillings & Eleven pence in Money, and forty-five pounds fourteen Shillings in Certificates; That the said Sheriff has made all legal means in his power to obtain the same from the said Patrick Haley and has been able to obtain Ten pounds thereof.

Whereupon the Committee submit the following Resolution:

Resolved, That the Treasurer be and he is hereby authorized and directed to credit the account of the said Hunter on the Books of the Treasury for the Sum of Thirty-three Pounds 11s 11d in Money & Twenty-five Pounds 14s Certificates, and that he govern himself accordingly in his settlement with the said Hunter.

And the Committee report that in their opinion a Bill be brought in and passed into a law this Session to prevent losses of a like nature in future in the public revenue.

Which is submitted.

JAMES GALLAWAY, Ch'n.

The House taking this report into Consideration concurred therewith.

Whereupon, Mr. Gallaway moved for leave and presented a Bill to prevent in future the diminutions of the public revenue of this State by the neglect of the County Courts; which was read, passed the first time & sent to the House of Commons.

Received from the House of Commons the Report of the Committee on revenue; and the account of Colo. Robert Rowan; and the report of the same Committee on the representation of Richard Blackledge. Each endorsed, Concurred with; which being read each was concurred with by this House and returned.

Mr. Hill moved for leave and presented a Bill to repeal part of an Act entitled "an Act for the revising and collecting the Acts of the General Assembly of the State of North Carolina"; which was read, passed the first time & sent to the House of Commons.

Mr. Blount, from the Committee, delivered in the following report:

The Committee to whom was referred the Memorial of John Stewart, report,

That it appears to the Committee that the Governor did on the 2nd of January, 1782, pass an order to William R. Davie, Commissary General, to liquidate the account of the said John Stewart for salt impressed from the said Stewart, by delivering him Specific Articles; that on the thirtieth of the same Month the said Commissary General issued an order to Robert Martin, one of his assistant Commissaries, to deliver to the said Stewart Corn or Pork to the amount of Four Hundred and Six dollars and that one Hundred and Twenty-Nine Pounds 14s was paid to the said Stewart, leaving a balance due to him of thirty-two pounds fourteen Shillings. That it appears to your Committee that a quantity of public Tobacco was stored with the said Stewart in the year 1779 & 1780, the Storage of which at the accustomed price amounts to Ninety one pounds Eight Shillings and that it is the opinion of the Committee that this sum, together with the balance due on the Salt, amounting to one Hundred & Twenty-four pounds Twelve Shillings, be allowed to the said Stewart and that the Treasurer be directed to pay him the same.

The Committee remark that the inducement for directing the last Charge to be paid in Money in preference of a Certificate was that it is an established Maxim that all persons receiving articles on Storage have a right to detain the Articles stored until the persons so recovering is paid.

Received from the House of Commons the Bill to authorize and enable John Colson to return into this State and exercise the privileges therein mentioned;

And the Bill to regulate the Inspection of Tobacco in this State. Each endorsed, read the second time, amended and passed.

Ordered that these Bills be read, which being read each was amended, passed the second time in this House and returned.

Received from the House of Commons a Resolution proposing the appointment of a Committee to prepare instructions necessary to be observed by the Commissioners appointed to treat with the Indians, which being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree with you in the appointment of a Committee for prepar-

ing instructions to be observed by the Commissioners for treating with the Indians and have nominated Mr. Jones, Mr. C. McDowall and Mr. W. Hill, to act on the part of this House with Gentlemen by you appointed.

Received from the House of Commons the Bill to enable John Crawford late Sheriff of Anson County, to collect the arrearages of Taxes for the year 1779. Endorsed, read the second time and passed.

A Bill to explain an Act directing the duty of Naval officers, and all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the first time and passed.

Ordered that these Bill be read, which being read the first was passed the third, and the latter the first time in this House and returned.

Received also the following Bills, viz:

The Bill to amend an Act entituled "an Act to erect a Town on the Lands of Matthew Figures, in Northampton County;

The Bill to amend an Act passed in the year 1783, entituled "an Act to vest certain Lands in fee simple in Richard Henderson & others";

The Bill to annex part of the County of Washington to Sullivan;

The Bill to repeal part of an act passed at New Bern, December 1785, intituled "an Act for destroying Wolves, Wildcats, &c., in the Counties therein mentioned";

The Bill to annex part of Dobbs County to the County of Jones;

The Bill to encourage the building of Iron Works in this State;

The Bill to amend an Act entituled "an Act to prevent domestic insurrections"; and

A Bill to extend the line between the Counties of Burke and Rutherford. Severally endorsed, read the third time and passed.

Ordered that these Bills be read, which being read were severally passed the third time in this House and ordered to be Engrossed.

Mr. Gallaway moved for leave and presented a Bill to enable and empower the Attorney General to commence Suits in Law or Equity in all Cases in which he shall have information that the Treasury hath been injured by pretending Creditors of Persons whose Estates have been Confiscated, and also to institute actions for the recovery of Debts and property belonging to persons of the above description, and further to enable the Attorney General to commence Suits in

Law or Equity upon information against any person or persons holding public Monies for which they are unaccountable; which was read, passed the first time & sent to the House of Commons.

Mr. McCawley moved for leave and presented a Bill for appointing a Public Printer and directing his duty in office, which was read and on motion, rejected.

Mr. Tipton moved for leave and presented a Bill to prevent vexatious Law Suits in the Counties of Washington, Greene, Sullivan and Hawkins; which was read and on motion, rejected.

On Motion, ordered that Mr. Nesbit have leave to absent himself from the service of this House after To-morrow.

Received from the House of Commons a Report of the Committee on the Petition of Timothy Bloodworth, Esqr. Endorsed, Concurred with. A report of the Committee on the Petition of Gasper Smith. Endorsed, Concurred with; which being read the first was Concurred with and returned, and the latter rejected.

Received also the Bill to amend the several Acts of Assembly to prevent dealing or Trafficking with Slaves;

And the Bill to amend an Act entitled "an Act for appointing the place of holding Courts of Pleas and Quarter Sessions in the County of Sullivan, & to alter the time of holding the Superior Courts for the district of Fayetteville." Each endorsed, read the third time and passed.

Ordered that these Bills be read, which being read each were amended, by consent of the House of Commons, & ordered to be Engrossed.

Mr. Dixon, who had leave to withdraw for amendment the Bill to establish a Company for opening the Navigation of Catawba River, delivered in the same; which being read with the amendments, passed the second time & was sent to the House of Commons.

Mr. Singleton presented the Petition of Will Graham, inclosing a Loan office Certificate and requesting payment, which was read and referred to a Special Committee, the Members chosen were Mr. Graham, Mr. Macon, Mr. Singleton and Mr. Hunt, on the part of the Senate.

Received from the House of Commons a Petition of Sam'l Russel, and a Petition of John Humphries, Esqr. Each endorsed, referred

to the Committee of Propositions and Grievances; which being read was referred in like manner and returned.

Mr. Jones delivered in the following report:

The Committee appointed to enquire into and state the circumstances relating to a Certificate, issued by Wm. Kirkpatrick, report,

That the said Kirkpatrick granted the Certificate above mentioned for 703 pounds Pork in the name of Thomas Amis, which at the price stated by Law amounted to $49\frac{1}{8}$ Dollars; but said Kirkpatrick instead of entering it as aforesaid set down 4918 in Figures in the same Line making no distinction of the Fraction of $\frac{1}{8}$; Kirkpatrick issued the Certificate to Thomas Amis or his mother, or to some person for the use of the one or the other of them, but having lost his Checks by Misfortune he could not say certainly to whom. Mr. Timothy Bloodworth paid it to the Comptroller; Mr. McRee acknowledges he paid it to Mr. Bloodworth and received full value; Mr. Bloodworth is accountable to the public; McRee to Bloodworth.

Your Committee are of opinion that the Comptroller be directed not to commence suit against Mr. Bloodworth on Account of the Certificate aforesaid until after the next General Assembly.

Which is submitted.

W. JONES, Ch.

The House taking this report into consideration Concurred therewith.

Whereupon, on motion of Mr. Jones,

Resolved, That the Clerk of the Senate be directed to deliver to Mr. Timothy Bloodworth the Certificate Issued by William Kirkpatrick, and which was paid to Mr. Bloodworth by Mr. McRee, to enable him to institute a suit against said McKee and that he take Mr. Bloodworth's receipt for the same.

Sent for Concurrence.

Received from the House of Commons a report of the Committee appointed on the Memorial of Jane Simpson. Endorsed, Concurred with; which being read was concurred with and returned.

Received also the report of the Committee on the Petition of James Hunter, Esq.; and the report of the Committee on the Memorial of John Stewart, Esq. Each endorsed, Concurred with.

Received likewise a Resolution of the House of Commons direct-

ing that the Estimates be made up to include Saturday next, at the rate of Twenty Shillings per Day; which was read, Concurred with and returned.

Received likewise the report of 'the Committee appointed to enquire into the State and circumstances relating to a Certificate issued by William Kirkpatrick, and the resolution of this House entered into in consequence thereof. Each endorsed, Concurred with.

Mr. McCawley presented a recommendation for Justices in the County of Dobbs, which was read, accepted and sent to the House of Commons.

Received from the House of Commons the report of the Committee on Mr. Iredell's Letter and the resolution of this House allowing him a Sum therein mentioned. Endorsed, read and Concurred with.

Received also a report of the Committee on revenue on the Martinique demand. Endorsed, Concurred with. And a Report of the same Committee on the State of the Treasury Monies collected in 1755, with the application, &c. Also endorsed, Concurred with; which being read, each was concurred with and returned.

Received likewise a Resolution requiring the public Treasurer to lay before the Assembly a list of all delinquents in public Monies, which was Concurred with and returned.

Received likewise the Bill levying a Tax for the support of Government, and for the redemption of the old Paper Currency, Continental Money & Specie, and other Certificates for sinking the State Currency. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was amended passed the second time & sent to the House of Commons.

Received from the House of Commons the following Message, viz: Mr. Speaker, &c.:

We propose balloting for a Colo. of Cavalry for Hillsboro' District at the same time the other officers are to be balloted for, and nominate Colo. Alex. Mebane.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We agree to ballot for a Col. of Cavalry for the district of Hillsboro', and add to the nomination Mr. William Hunt.

Received from the House of Commons the resolution of this House

in favour of Genl. Griffith Rutherford. Endorsed, Concurred with; and a resolution directing that any seven Members of the Committee on Western pay rolls shall constitute a quorum for business, which was read, Concurred with and returned.

Adjourned till 4 O'clock.

The House met according to adjournment.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have appointed Mr. Harvey and Mr. Mitchell to superintend the balloting heretofore agreed on, and propose that the whole of the persons to be ballotted for having the greatest number of Votes shall be declared duly Elected, tho' they may fall short of having a Majority of Votes.

The foregoing being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We are also ready to proceed on the balloting and have appointed Mr. Overton and Mr. McCawley to Superintend the same on the behalf of this House. We agree that the persons having the greatest number of Votes for the Several Appointments shall be returned Elected. Mr. McCawley and Mr. Overton on the part of the Senate, and Mr. Harvey and Mr. Mitchell on the part of the House of Commons, now proceeded to conduct the balloting, which being ended Mr. McCawley reported,

That Hugh Williamson and Abisha Thomas, Esqrs., are made choice of as Delegates on the part of this State to attend the settlement of accounts with the United States. That Alex Mebane, Esqr., is appointed Colo. of Horse for the District of Hillsboro'. That T. King, Esqr., is appointed Col. of Horse for the district of Washington, and that L. Carter is appointed First Major and Frances Ramsey Second Major of the same.

The House taking this report into Consideration Concurred therewith.

Read the Memorial of Charles Brice, Commissioner of Confiscated Estates for the District of Salisbury.

Whereupon, on Motion of Mr. Gallaway, ordered that the following Resolution be entered into and sent to the House of Commons:

Whereas, it is represented to this Assembly by Charles Bruce, Commissioner of forfeited Estates for the District of Salisbury, that by virtue of a return from Morgan Brown, Esqr., Surveyor of Anson County, there was on the 21st of September, 1787, exposed to Sale as the property of Moses Sanders, Eight Hundred and Fifty Acres of Land in the County aforesaid, which since appears to be the property of James Cotton and others.

Therefore Resolved, That the said Commissioner be directed to forbear collecting the Money arising from the sale of the aforesaid Tract of Land until the end of the next Session of Assembly to the end that the matter may be fully investigated.

On motion the House adjourned till To-morrow morning 10 o'clock.

THURSDAY, 4 December, 1788.

The House met.

On motion of Mr. Gaither, seconded by Mr. Graham, the House resolved as follows, viz:

Whereas, from the many Petitions exhibited to this General Assembly by sundry Inhabitants of this State in regard to their purchases of Confiscated Lands sold by Commissioners in the year 1782; and whereas, it hath been made appear that a number of said Purchasers not having their Claims liquidated in Currency gave their Bonds for the whole amount in Specie. It also appears that a number of the purchasers of the said Lands are persons in indigent circumstances whereby the urging the payment of said Debts at this time will be of very great injury to said purchasers & of little service to the public. Wherefore,

Resolved, That the Treasurer be and he is hereby directed not to institute any suit or suits on any Bond or Bonds given by any of the Inhabitants of this State in consequence of any purchases made by them of confiscated property sold in the year 1782 by the Commissioners of Confiscated property, until the expiration of Eight Months after the rising of this Assembly.

Mr. Bloodworth, who had leave to withdraw for amendment the Bill to punish Persons guilty of Adultery, Incest and Polygamy, presented the same with the amendments; which was read, passed the second time & sent to the House of Commons.

On motion of Mr. Reddick, the House resolved,

Whereas, it appears to the General Assembly that James Foster

of the County of Perquimans, is blind and poor, and that the only means he has had for years past and now has to support himself & Family has been and is by vending Goods as a pedlar; In charity therefore to the said James Foster,

Resolved, That the Clerk of the Court of Perquimans aforesaid with the consent of the Court, be and he is authorized to grant a permit to the said James Foster to vend Goods as a pedlar from year to year without such permit; and the said Clerk shall not be liable to any penalty for so doing.

Sent for Concurrence.

Mr. Overton moved for leave and presented a Bill directing the Method to be observed by the County Courts in laying and appropriating County Taxes, and appointing for County officers therein mentioned, and to empower the County Court of Moore to lay a tax on the Inhabitants thereof to repair the Court House, prison and Stocks in said County; which was read, passed the first time and sent to the House of Commons.

Mr. Jones delivered in the following Report:

The Committee directed to prepare instructions for the Commissioner appointed by the Assembly to hold a Treaty with the Cherokees and Chickamawgaws, Report,

That he be instructed to hold the said Treaty at the upper War Ford on the French Broad River (where General Rutherford crossed with his Army in 1776) between the twentieth and last of May next.

But as he is to act jointly with Mr. Wynn, and the South Carolina and Georgia Commissioners, he must have a discretionary power to deviate from this instruction, either as to time or place, as circumstances shall require.

2nd. That he shall not Cede as Hunting Grounds to the said Indians any part of this State without the bounds of the Land reserved to the Indians by the Law passed in 1783 for opening the land office. But he shall endeavor to obtain from the said Indians an extension of the boundary between the Citizens of this State and the Hunting Grounds of the Indians as far as the dividing ridge between Little river and Tennessee or as far as the white People are now settled.

3rd. That if he cannot obtain an extension of the boundary to the dividing ridge aforementioned, or as far as the people are now settled, he be at liberty to make the best terms he can with the Indians

as to this particular point; but if the Indians shall refuse to make peace unless the White people who are settled on the South side of French Broad river are run over, then and in that case he shall be authorized to declare that the people settled as aforesaid contrary to the Laws shall not be protected in their possessions by this State.

4th. The Money advanced and Goods supplied by this State is Common Stock, the property of the United States, and must be subject to the orders of the Commissioners jointly.

5th. If it shall appear to Mr. Wynn and the Commissioners necessary to treat with the Creeks that the Commissioner of this State be and he is hereby authorized to co-operate with them in making such Treaty.

6th. It is necessary that the said Commissioner should obtain a Map of the Western Country, and that he have Henderson & Co. Titles. Ordered that the Clerks of the Assembly deliver the latter to him.

Which is submitted.

WILLIE JONES, Ch'n.

The House taking this report into Consideration Concurred therewith.

On Motion of Mr. Johnston,

Resolved, That the Clerk of the Senate and House of Commons furnish His Excellency the Governor, with the returns of the Commissioners for purchasing Tobacco; the Resolve respecting the Martinique demands, and all other Resolutions of this Assembly which are necessary for His Excellency to carry into execution and which have not already been furnished.

Received from the House of Commons the Bill to amend an Act intituled "an Act directing the sale of Confiscated property." Endorsed, read the first time and passed.

Ordered that this Bill be read, which being read was amended, passed the second time & returned.

On Motion, ordered that Mr. Gallaway have leave to withdraw for amendment the Bill to enable and empower the Attorney General to commence Suits in Law or Equity in all cases wherein he shall have information that the Treasury hath been injured by pretended Creditors of Persons whose Estates have been Confiscated, and also to institute actions for the recovery of debts and property belonging to

persons of the above description, and further to enable the Attorney General to commence Suits in Law or Equity upon information against any person or persons holding public Monies for which they are accountable.

Received from the House of Commons the Bill to empower the County Court of Rockingham to lay a further tax to re-imburse the Commissioners the Money by them expended in erecting the Court House, Prison and Stocks in said County; and the Bill to amend an Act entituled "an Act for the promotion of learning in the district of Wilmington." Each endorsed, read the third time and passed.

Ordered that these Bills be read, which being read each was amended, by consent of the House of Commons, and ordered to be Engrossed.

Received also the Bill to amend an Act to regulate the Inspection of Tobacco in this State, and to repeal part of the said Act. Endorsed, read the second time and passed.

Ordered that this Bill be read; which being read was passed the third time in this House and returned.

On motion, ordered that Mr. Benjamin Williams have leave to absent himself from the service of this House after Saturday next.

Adjourned till To-morrow Morning 10 o'clock.

FRIDAY, 5 December, 1788.

The House met.

On motion of Mr. Bloodworth, the House resolved as follows:

Whereas, the widow of the late Major William Williams Petitioned the Assembly at their last Session held at Tarboro' to refund the Interest which had become due and was actually paid on her husband's Bond given for a lot which he purchased of the public; and whereas, the report of the Committee in that behalf not being sufficient to authorize any holder of public Money to repay the same;

Resolved, That the Treasurer repay to the late Elisabeth Williams, now Williamson, the monies paid by her late Husband Maj. Will Williams, in his life time as Interest on his bond given for the purchase of a lot as aforesaid, amounting to Twenty Six pounds, provided the said Elisabeth shall recover the said Lot to the State.

Mr. Johnston moved for leave and presented a Bill to amend the revenue Laws; which was read, passed the first time and sent to the House of Commons.

Mr. Kenan delivered in the following Report:

The Committee to whom was referred the Petition of Charles Sampson in behalf of the Orphans of John Gilliard, deceased, report as follows, viz:

Having examined into the state of the facts find that said Gilliard did furnish the Army under the Command of Governor Nash, with Rum, Sugar, Coffee, &c., to a considerable amount; which articles would command ready money. That the said Gilliard did rent a House in the Town of Wilmington belonging to the public by which means he became indebted to the public for the rent of the said house.

Your Committee having duly considered the said Matter and being desirous to do justice to the public and to Individuals beg leave to recommend that the following resolution be entered into, viz:

Resolved, That the Treasurer be directed to receive of the Administratrix of John Gilliard, dec'd, the Certificates granted to the said Gilliard in part or in whole for the sum due to the public for House rent. Which is submitted.

JAS. KENAN, Ch.

The House taking this report into Consideration Concurred therewith.

On Motion of Mr. Lenoir, the House resolved,

Whereas, it is a doubt with the public Treasurer whether, in settling the Accounts of Entry Takers, he should allow them a Commission on the Certificates by them paid into the Treasury,

Resolved, That the Treasurer be and he is hereby directed on the settlement of the Accounts of Entry takers not to allow them any Commissions on Money or Certificates paid into his Office.

Sent for Concurrence.

Received from the House of Commons the Bill to explain an Act directing the duty of Naval Officers and all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the second time, amended and passed.

Ordered that this Bill be read, which being read was amended, passed the second time & sent to the House of Commons.

Mr. Amis, who had leave to withdraw for amendment the Bill to empower the Commanding Officers of Greene and Hawkins Counties to erect a station or stations on the North side of Tennessee River, in the district of Washington, to protect the Citizens of this State to set-

tle on the lands entered in John Armstrong's office, and to prevent Hostilities on the Cumberland Settlement, delivered in the same; which was read with the amendments, passed the second time & sent to the House of Commons.

Mr. Lenoir, who had leave to withdraw for amendment the Bill for the relief of persons who have or may hereafter forfeit their recognizances in the Superior or County Courts, delivered in the same; which was read with the amendments, passed the second time & sent to the House of Commons.

Mr. Gallaway, who had leave to withdraw for amendment the Bill to enable and impower the Attorney General to commence Suits in Law or Equity in all cases in which he shall have information that the Treasury hath been injured by pretended Creditors of Persons whose Estates have been Confiscated, and also to institute actions for the recovery of such debts and property belonging to persons of the above description, and further to enable the said Attorney to commence Suits in Law or Equity upon information against any person or persons holding public Monies for which they are accountable, presented the same, with the amendments; which was read with the amendments, passed the Second time and sent to the House of Commons.

Received from the House of Commons the Bill to establish a Company for opening the Navigation of the Catawba River. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was amended, passed the third time & sent to the House of Commons.

Mr. Hill moved for leave and presented a Bill for the recovery of Debts according to Contract; which was read, passed the first time and sent to the House of Commons.

Received from the House of Commons the Bill for levying a tax for the support of Government, for the redemption of Old Paper Currency, Continental Money, Specie & other Certificates, and for sinking the State Currency; in which is the following Clause:

"Be it Enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the Authority of the same, that for the year 1789 a tax of three Shillings on every Hundred Acres of Land within this State, and a Tax of Nine Shillings on each Hundred Pounds value of Town Lotts with their improvements, and a tax of Nine Shillings on every Poll in this State, shall be levied and

paid in State Currency or in Gold or Silver at the rates established by Law; provided, that all the Lands West of the Apalachian Mountains shall pay a tax of two Shillings and no more on every Hundred Acres of Land, and a tax in Continental Dollar Bills or Soldier's bounty or Specie Certificates, in proportion for every Hundred Acres of land aforesaid."

And be it enacted by the authority aforesaid that for the year 1789 a tax of three Shillings on every Hundred Acres of Land, and Nine Shillings on each hundred pounds Value of Town Lots with their improvements, and a tax of Nine Shillings on every Poll in this State shall be levied and paid in Continental or State Dollar Bills, or Soldier's bounty Certificates, at the rate of Eight Hundred for one, in Specie Certificates of every kind at their Nominal value, with the Interest thereon (such as have been issued by the Board of Commissioners for Settling Army Accounts since the first day of January 1786, excepted) in Currency Certificates as rated by the Act for the Sale of Confiscated property or in final settlement Certificates at their Nominal value, including the Interest thereon.

On reading this Bill for the third and last time in the Senate, it was proposed by Mr. Blount, seconded by Mr. Jones, that it be amended by adding the following Proviso immediately following the above mentioned Clause, Viz: *Provided*, that the said tax to be collected in Certificates as aforesaid may be discharged by paying one Shilling in the Currency of the State for every ——— Shillings Specie Certificates directed to be collected in pursuance of this Act. And that the Money so received into the Treasury in lieu of Certificates as aforesaid shall be reserved and appropriated to the redemption of Certificates and to no other use or purpose whatever.

This amendment being objected to and the question taken thereon was carried in the Negative.

Whereupon, on Motion of Mr. Blount, seconded by Mr. Jones, Ordered that the Yeas and Nays be taken thereon, which are as follows, viz:

For the Amendment—Messrs. C. Johnston, Payne, Reddick, Montgomery, Reddy, Jones, Overton, Benford, Bunn, Harvey, Blount, Willis, Stewart, Williams.—14.

Against the Amendment—Messrs. Dupree, McDowall, Gregory, Robertson, Brickell, Gray, Hunt, Amis, Bryan, Hargett, Graham,

Bloodworth, T. Johnston, McCawley, Gaither, Dougan, Tipton, Macon, Singleton, T. Brown, W. Brown, W. Hill, Humphries, Galloway, Holmes.—27.

Received from the House of Commons the report of the Committee on the Petition of Hugh McDonald;

The report of the Committee on the Petition of Andrew Bass; and a resolution of the House of Commons directing the Comptroller to issue certain Certificates therein mentioned; which were severally read, Concurred with and returned.

Received also the Bill to admit to record certain deeds, Grants & Patents for the Lands heretofore laid off; and the Bill to authorize and enable John Colson to return to this State and exercise the privileges therein mentioned. Each endorsed, read the third time and passed.

Ordered that these Bills be read, which being read each was passed the third and last time and Ordered to be Engrossed.

Received likewise the Bill to repeal part of an Act entitled "an Act for revising and collecting the Acts of the General Assembly of the State of North Carolina." Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the second time in this House and returned.

Received likewise a Resolution directing the Public Printer to deliver the Laws and Journals intended for the Counties of Fayette District to the Clerk thereof; a resolution in favour of Joseph Leech, Esquire;

And a resolution allowing Thomas Baggs a Sum therein mentioned, which were severally read, concurred with & returned.

Received likewise the Resolution of this House directing the Clerks to deliver to the Governor such resolutions and other papers before this Assembly, necessary for his information; and the resolution directing the Treasury relative to settlements to be made with the Entry taker. Each endorsed, Concurred with.

On motion of Mr. Bloodworth, ordered that Mr. Benford have leave to absent himself from the service of this House after Tomorrow.

Received from the House of Commons the Bill for processioning Lands. Endorsed, read the first time and passed.

Ordered that this Bill be read; which being read was on motion, rejected.

Received also the Bill to prevent in future the diminution of the public revenue of this State by the neglect of the County Courts. Endorsed, read the first time & passed.

Ordered that this Bill be read, which being read was passed the Second time in this House and returned.

Received likewise the Bill to punish persons guilty of House breaking and Other Crimes. Endorsed, read the second time and passed.

Ordered that this Bill be read; which being read was amended, passed the second time and sent to the House of Commons.

Received likewise the report of the Committee appointed to prepare Instructions for the Indian Commissioner. Endorsed, Concurred with; and the following reports from the Committee of Propositions and Grievances, viz:

A Report of the Petition of James Kerr; a report on the Petition of John Devane and Richard Herring; a Report on the Petition of Wm. Delancy, and a Report on the Petition of Mr. N. McLean. Severally endorsed, Concurred with; which being read, each was concurred with by this House and returned.

Received likewise the report of the Committee on the Petition of James Witherspoon;

A report of the Committee on the Petition of Neil Ray;

A Report of the Committee on the Petition of Christopher Reddick;

A Report on the Petition of Robert Alexander;

A Report of the Committee on the Petition of Nathan King;

A Report of the Committee on the Memorial of James Britain;

A report of the Committee on the Memorial of John Armstrong;

A Report on the Petition of John Ellis;

A report of the Committee on the Petition of David Davis;

A Report of the Committee on the Memorial of Will Moore. Severally endorsed, concurred with; which being read were each Concurred with by this House and returned.

Received likewise a Report of the Committee on the Petition of William Johnston of Montgomery County. Endorsed, Concurred with; which being read was, on motion, rejected; whereupon, it was ordered that the following Resolution be sent to the House of Commons:

Whereas, it has been made appear to the satisfaction of this Assem-

bly by sufficient Testimony, that Thomas Butler, Mark Bennett and James Butler, Justices of the Peace for the County of Montgomery, have been guilty of misdemeanors tending to injure the State and derogatory to the Magistracy which they bear.

Resolved, therefore, That the above named Justices respectively be and they are hereby Suspended from the exercise of their said offices of Justice of the Peace until the end of the next Session of Assembly, or until they shall shew sufficient cause wherefore this Suspension should not be in force. Sent for Concurrence.

Received from the House of Commons the resolution of this House directing the Commissioner of forfeited Estates for the District of Salisbury, to delay the collection of Money for a certain piece of Land by him sold; and the resolution of this House relative to lands sold by the Commissioners of Confiscated Estates in the year 1782. Each endorsed, read and Concurred with.

Also a report of the Committee on the Petition of John Colson, and resolution in favour of Wm. Muzzle, and others, for conveying from Hillsboro' to Fayetteville the papers of the Treasury; which were read, Concurred with and returned.

Adjourned till 4 o'clock To-morrow Morning.

SATURDAY, 6 December, 1788.

The House met.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We have rejected the report of the Committee relative to Thomas Butler and other Justices for the County of Montgomery, & send for Concurrence a Resolution herewith on that subject.

Received from the House of Commons the Bill for appointing an additional Judge of the Supreme Court for the District of Morgan, and for the relief of Persons who have or may hereafter forfeit their recognizances in the Superior and County Courts. Endorsed, read the third time and passed.

Ordered that this Bill be read; which being read was amended, by consent of the House of Commons, passed the third time and ordered to be Engrossed.

Mr. Williams presented the resignation of John Tilghman, Col.

of the Regiment of Militia in the County of Craven, which was read, accepted and sent to the House of Commons.

On motion of Mr. Johnston, the House resolved,

Whereas, it has been made appear to this Assembly that a Certificate paid by William McRee to T. Bloodworth, Esqr., when district Treasurer, amounted to a considerable Sum more by mistake of the Issuer than the bearer was justly entitled to, and it not being equitable or just that the said Bloodworth should be in the first instance accountable to the State;

Resolved, Therefore, That the Attorney General be and he is hereby required to institute a Suit or Suits in the name of the said T. Bloodworth or any other manner to redress the said Timothy Bloodworth in this particular, as shall seem to him most advisable, and that Mr. Bloodworth give him all necessary information relative thereto.

Sent for Concurrence.

On motion of Mr. Gallaway, seconded by Mr. Hill, the House

Resolved, Whereas, the General Assembly have thought it necessary to appoint five Delegates to go to a Federal Convention for the purpose of taking up the amendments proposed by this State, as well as of the different States, to be adopted into the Constitution proposed for the future Government of the United States;

And whereas, it is necessary should such Convention be called to make provision for the allowance to be made to the Honble. Gentlemen by this General Assembly appointed.

Therefore, Resolved, That His Excellency the Governor, be and he is hereby authorized and directed that upon his receiving official notice of the call of a Federal Convention that he notify the Honble. Gentlemen by this State apointed to attend on that business of the time & place appointed for holding such Convention, and that he draw a Warrant or Warrants in favour of each of the Gentlemen for the same allowance as is given to the Delegates of this State in Congress, for four Months in advance.

Sent for Concurrence.

On motion, resolved, That the Sheriffs of the Counties of Washington, Green, Sullivan and Hawkins be allowed until the last day of April to settle their Accounts with the Treasurer, and that he govern himself accordingly.

Sent for Concurrence.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We propose that the General Assembly proceed to ballot immediately for a Judge in the District of Morgan and nominate John Stokes, Esquire; we have appointed Mr. Hill and Mr. Mebane to superintend the balloting.

The foregoing being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We do not agree to ballot immediately for Judge, &c., as by you proposed but will enter on that business at 4 O'clock this evening. We propose that an Attorney for the State for Washington District be appointed at the same time, and nominate W. Sharpe, W. Avery and Reuben Wood. We have added to your nomination for Judge A. Ozborn.

Received from the House of Commons a resolution allowing the public Treasurer a Sum therein mentioned, and a resolution in favour of John Whitney, which were Concurred with and returned.

Received also a report of the Committee on the Memorial of John B. Ashe; which being read, it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker & Gentlemen:

We have amended the report of the Committee on the Memorial of John B. Ashe, Esqr., and hope you will give your assent thereto.

Received from the House of Commons the Bill to amend the revenue Laws and to continue an Act allowing Salaries to the Governor and other officers of the State, passed in 1787. Endorsed, read the first time and passed.

Ordered that this Bill be read; which being read was amended, passed the second time & sent to the House of Commons.

Received from the House of Commons a report of the Committee on the Petition of James Ransome and others. Endorsed, Concurred with; and a resolution respecting the appointment of a Judge to the district of Washington, each of which being read were laid over till the next Assembly.

On motion, ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c. :

We have appointed Mr. Brickell to assist in examining the Engrossed Bills.

Received from the House of Commons the Bill to repeal part of an Act entitled "an Act for revising and collecting the Acts of the General Assembly of the State of North Carolina." Endorsed, read the second time and passed. The Bill to punish Persons guilty of Housebreaking and other Crimes. Endorsed, read the second time and passed.

Ordered that these Bills be read, which being read the first was passed the third time in this House and returned, and the latter on motion, laid over till the next Assembly.

Received also the Bill to empower the Commanding officers of the Counties of Washington, Greene, Sullivan and Hawkins, to erect a Station on the North side of the river Tennessee, for the protection of the Inhabitants and to insure safety to travellers on the new Road to the Cumberland Settlements; also to empower the County Court of Moore to lay a tax for repairing the public Buildings of the said County. Endorsed, read the third time and passed.

Ordered that this Bill be read, which being read was amended, by consent of the House of Commons, passed the third time and Ordered to be Engrossed.

The Speaker laid before the House a Letter relative to a Balance reported against him by the Comptroller. Whereupon, it was

Resolved, That Alex. Martin, Esqr., be and he is hereby allowed until the next Session of Assembly to settle his Account with the public and that the Comptroller and Treasurer govern themselves accordingly.

Received from the House of Commons the Bill to explain the duty of Naval Officers and all Masters of Vessels coming into any of the Ports or Inlets of this State. Endorsed, read the third time and passed. The Bill continuing in force the Law allowing Salaries to the Governor and other Officers of State. Endorsed, read the third time and passed.

Ordered that these Bills be read; which being read each was amended, passed the third time and ordered to be Engrossed.

Received also the resolution of this House relative to Delegates appointed to attend the Federal Convention;

A Resolution relative to a Certificate paid by William McRee to Timothy Bloodworth, Esqr.; a resolution relative to certain justices in the County of Montgomery, and a resolution in favour of Hardy Jones. Severally endorsed, Concurred with.

On Motion of Mr. Johnston, seconded by Mr. Blount,

Resolved, That Hodge and Willis be continued Printers to the State and be allowed the same Salary as last Year, upon their performing Services prescribed by Law.

The Committee to whom was referred the Petition of Timothy Bloodworth, Commissioner of the County of New Hanover for the year 1780, report,

That they have strictly examined the several Matters therein contained and from the several Vouchers adduced to your Committee, corroborated by incontestable Testimony, it appears that the said Commissioner established three posts in the said County for the reception of Specific Tax, Viz: One in Wilmington, one at Rocky Point, and one at Black River, and deputed Mr. David Flowers to receive at the post in Wilmington, Mr. Jacob Williams at Rocky Point, and John Devane on Black River; that the business was conducted with great care and nearly the whole of the tax was collected and lodged at the post in Wilmington; it also appears to your Committee that on the approach of the British Troops under the Command of Major Craige in 1781, Col. Young then commanding officer, ordered the public stores to be put on board vessels and sent up the North East River, but the British advanced so rapidly that the vessels were not able to keep out of their way and fell into their hands at Beaufort's Bridge and were destroyed, together with a considerable number of Vouchers which were in a trunk on board one of the vessels.

It also further appears that the said Thomas Bloodworth deposited a Sum of Money, which he drew from the public, in the Hands of Mr. Flowers whom he had appointed to settle with the other deputies, and from a long and lingering indisposition of Mr. Flowers the Commissioner has not been able to settle his accounts with the public as it is almost impossible for him to settle without the assistance of Mr. Flowers.

Your Committee are therefore of opinion that the said Commissioner has not delayed settlement through any intention of fraud and that he will in all probability be enabled to make a settlement in a short time to the satisfaction of the public, and beg leave to recom-

mend to the General Assembly to direct the Comptroller not to bring suit against the said Thomas Bloodworth until the setting of the next Session of Assembly.

All which is submitted.

J. KENAN, Ch.

The House taking this report into consideration Concurred therewith.

Received from the House of Commons a Report on the Comptroller's progress and settlement of accounts, and a report on the Petition of John Humphries. Each endorsed, Concurred with; which were read, Concurred with by this House & returned.

Received also the report on the Memorial of the Honbl. J. Ashe. Endorsed, Concurred with as amended by the Senate.

Received likewise the following Message:

Mr. Speaker, &c.:

We agree to ballot as by you proposed, and add to the nomination for State Attorney in Washington, Will Cocke, Esqr.

Adjourned till 4 O'clock p. m.

The House met according to adjournment.

Received from the House of Commons the Bill to prevent the diminution of the public revenue of this State by the neglect of the County Courts. Endorsed, read the second time and passed.

Ordered that this Bill be read, which being read was passed the third time in this House and returned.

Received also the Resolutions of this House relative to the Agents appointed for settling the Accounts of this State with the United States; and a resolution allowing the Sheriffs of Washington District a longer time for settling their public Accounts. Each endorsed, read and Concurred with.

Received likewise a Report of the Committee appointed to examine the Accounts of Commissioners of Confiscated property, &c. Endorsed, Concurred with; which being read was, on motion, laid over till the next Session of Assembly.

On motion of Mr. Jones, Seconded by Mr. Gallaway, the House resolved as follows, viz.:

Whereas, it is necessary that the Agents appointed to attend the final settlement of the Accounts of this State against the United States

should be furnished with every document and all the information that can be obtained to enable them to explain and establish the Claims of this State;

And whereas, it is also necessary that the said Agents should have a reward adequate to their Services, and that funds be provided for the payment of the same.

Resolved, That the said Agents or either of them should have access to the several public offices in this State for the purpose of obtaining Information relative to the Claims of the State against the United States, and the public officers and every of them who have documents or papers which the said Agents may require for the purpose aforesaid, are hereby directed to deliver the same to the said Agents or either of them; or to furnish Transcripts thereof properly certified, taking receipts for the same.

Resolved further, That the said Agents shall be allowed respectively as is allowed to the Delegates of the States in Congress, for the time they are going to and attending at New York in transacting the business committed to them and also for returning, and His Excellency the Governor, with the advice of the Council, is authorized to draw warrants on the Treasury for a half year's salary in favour of the said Agents respectively when it shall be notified to him that the Continental Commissioners are about to proceed to examine the accounts of the State, on taking their receipts to account.

Resolved, That the Agents aforesaid shall also be entitled to an allowance, exclusive of their Salaries, for their trouble and services in procuring documents and Vouchers that may be necessary previous to their setting out for New York on the business of their Agency; to be made by the General Assembly when the said Agents shall exhibit accounts to them for such trouble and service.

Resolved, That the said Agents be directed to lay an account of their proceedings in the business Committed to them before the General Assembly, and that they state therein such Errors & frauds, if any, as shall appear to them to have taken place in the Charges or accounts of the Citizens of this State against the State.

Resolved, That the Honbl. Hugh Williamson, now a delegate in Congress shall not be entitled to a Salary as Agent until he enters upon the execution of that office.

Received from the House of Commons the Books of Reports from the Committee of Claims. Endorsed, Concurred with as amended;

which being read it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We have received the Books containing the reports from the Committee of Claims with the whole of which we concur as by you amended, except the claims of Sarah Dupree, Jno. Williams and W. Irvin, which it is our opinion ought to be allowed.

Received from the House of Commons the resolutions of this House relative to the Agents on the part of this State to settle Accounts with the United States, and the report of the Committee on the Petition of Thomas Bloodworth. Each endorsed, Concurred with. Mr. Dixon and Mr. Graham on the part of the Senate, and Mr. Hill and Mr. Mebane on the part of the House of Commons, now proceeded to conduct the balloting; which being ended Mr. Dixon reported that John Stokes, Esqr., is appointed Judge for Morgan District, and that William Cocke is appointed Attorney for the State in the district of Washington. This report being taken into consideration of the House was concurred with.

Received from the House of Commons a Report of the Committee on the Petition of the Ex'rs of Arthur Brown, dec'd. Endorsed, Concurred with; which being read, was Concurred with & returned.

Received also the Report of the Committee of revenue, and the Letter of Benj. Hawkins, and the report of the Committee on the Petition of E. Bridgen. Each endorsed, Concurred with.

Resolved, That Abisha Thomas, one of the Engrossing Clerks, be allowed Ten pounds exclusive of his wages this Session, for his Extra Services in going to the Comptroller's office and bringing from there the Papers necessary to be laid before this Assembly, and that the Treasurer pay him the same and be allowed therefor in settlement of his accounts with the public.

Received from the House of Commons the Resolution in favour of the Speaker of the Senate, and the following Message:

Mr. Speaker, &c.:

We do not agree to allow the accounts by you proposed in the list of Claims which we had heretofore rejected.

The foregoing being taken into consideration it was ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c. :

We have concurred with the report of the Committee of Claims as by you amended.

Received from the House of Commons a Resolution in favour of James Moore, and a Resolution requiring the Treasurer to commence Suits against all delinquents in public money; which was read, Concurred with and returned.

On motion of Mr. Blount,

Resolved, That the Comptroller be and he is hereby directed to report to the Succeeding Assembly the Names of the Persons who advanced Money to this State on loan, and amount of the Sums reduced into the present Currency.

Sent for Concurrence.

The resignation of Nathan Williams, a Justice for the County of Johnston, was read and accepted.

Received from the House of Commons a Resolution and report relative to appointing a Board of Auditors in the district of Washington, which were read and rejected.

Received also the resolution of this House directing the Comptroller relative to Loan Office Certificates, and the resolution allowing Isaac Burklaw a sum therein mentioned. Each endorsed, concurred with.

Also a Resolution allowing the Gaoler of the district of Wilmington a sum therein mentioned; which was read, Concurred with and returned.

On motion of Mr. Blount, seconded by Mr. Roddy, the House resolved;

Whereas, it is represented to the General Assembly that a number of persons in the Counties of Washington, Greene, Sullivan & Hawkins are fined Ten pounds each for refusing or neglecting to turn out on the late Indian Expedition under General Martin.

Resolved, That it is the sense of this House that the said fines thus imposed ought to be remitted, and in Case any of the Persons thus fined having paid the same that the fines thus paid shall be refunded by the officer to the Person or Persons who have paid such Fines, respectively.

Sent for Concurrence.

On Motion, Resolved, That Isaac Burklaw be allowed the Sum of

Sixteen pounds 4s for his services in preparing tablets, &c., for the use of the Assembly.

Mr. Roddy laid before the House a representation of the Members of Assembly for the District of Washington, relative to the hardships they are subject to on account of the frequent absence of their Commanding Officer; which was read and laid on the table for the Consideration of the next Assembly.

Received from the House of Commons a resolution of that body on the subject of purchasing Tobacco, which being read was, on Motion, rejected.

Also the resolution of this House relative to fines imposed on persons failing to attend Military duty in a late expedition against the Indians. Endorsed, Concurred with.

Ordered that the following Message be sent to the House of Commons:

Mr. Speaker, &c.:

We again beg leave to call your attention to the report of the Committee on Revenue relative to the further purchase of Tobacco for public use, and hope you will give your Concurrence thereto agreeable to our first Message on that subject.

Received from the House of Commons the following Message:

Mr. Speaker, &c.:

We have read the Message of your House again calling our attention to the report of the Committee on Revenue respecting Tobacco. We have again taken that subject under our consideration and think it so essential to the Interest of the State that the report should pass as it first went to the Senate, that we cannot by any means accede to your proposition.

The remainder of this Journal is lost.—ED.

LETTERS---1787.

TO GOV. EDMUND RANDOLPH, VIRGINIA, FROM GOV. CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, January 7th, 1787.

SIR:

I had the honor to receive your Letters of the first and sixth of last Month, with a Copy of an Act of your Legislature enclosed in each which have been laid before our General Assembly, and I am happy in enclosing a Copy of a similar Act passed here.

The laudable example Virginia has set I flatter myself will be followed by every State in the Union.

I have the Honor to be with Sentiments of the Greatest respect,
Sir, your most obedt. Servant,

RICHARD CASWELL.

TO WILLIAM R. DAVIE FROM GOV. CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, Jan'y 7th, 1787.

SIR:

I have the honour to enclose you a Copy of the Act of Assembly for appointing Deputies from this State to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Federal Constitution; in Consequence of this Act you was Elected one of the Deputies.

The Assembly have directed the same allowance to be made the Deputies as is granted to the Delegates to Congress to be paid by the Governor's Warrant on the Collectors of Imports out of the monies now due for Goods Imported.

You will, I hope, accept the appointment and therein render your Country those services she looks up to you for at this trying Crisis. You will oblige me by signifying as soon as you can with Convenience your Determination herein.

I am,

With Sentiments of respect and Esteem, Sir,

Your most obed. Servt.

RICHARD CASWELL.

TO THE HONORABLE RUTHERFORD OR OTHER OFFICER HAVING
THE CHARGE OF THE CANNON AT FAYETTEVILLE.

(From Executive Letter Book.)

FAYETTEVILLE, Jan'y 7th, 1787.

SIR:

Please to deliver to the order of Major Edward Winslow two of the field pieces at Salisbury, to be forwarded to this place, and this shall be your authority for so doing.

I am Sir,

Your Obedient Servant.

RICHARD CASWELL.

TO WILLIE JONES, ESQ., FROM GOV. CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, January 7th, 1787.

SIR:

I have the honor to enclose you an Act for appointing Deputies for this State to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Federal Constitution; in Consequence of which you were Elected one of the Deputies. The Assembly have directed the same allowance to be made to the Deputies which has been granted to the Delegates to Congress to be paid by the Collectors of the Imports out of the Monies now due, by the Governor's Warrants.

I shall be happy in knowing that it will be agreeable and Convenient to you to go on this service, please to let me know your determination hereon as soon as practicable.

I am with great respect & Esteem,

Sir, Your Most obedient Servant,

RICHARD CASWELL.

TO THE HONORABLE THE DELEGATES IN CONGRESS FOR THE STATE
OF NORTH CAROLINA.

(From Executive Letter Book.)

NORTH CAROLINA, January 12th, 1787.

GENTLEMEN:

I have the Honor to enclose herewith sundry Resolutions of the General Assembly, Viz.: of the 5th Instant respecting the Navigation of the Mississippi, relating to raising Troops & the Commissioner for settling the accounts between this State and the United States; of the 6th Current, Respecting the late Treaties with the Chickasaw & Cherokee Indians.

As the subject matter of these Resolutions, which it becomes my duty to Communicate to you, is expressly set forth in such Resolutions, I have only to add my Most earnest wish that you will be pleased to use every means in your power for Obtaining & effecting the purposes of the General Assembly.

I also enclose, to be laid before Congress, an Act of our Legislature for appointing Deputies to a Convention proposed to be held in the City of Philadelphia in May next for the purpose of revising the Federal Constitution, with some other papers which the first Resolution herein mentioned refer to.

There are some other Resolves of the late Session of Assembly with the Copies of some other of the Acts of the Legislature, which as soon as I can procure shall be transmitted you. The Assembly have directed the Laws to be printed at Fayetteville which will make it inconvenient for me to obtain Copies and will occasion delay. Mr. John G. Blount will transmit to Mr. Wm. Blount an extract of an Act respecting the disposal of the public Tobacco, as he has the only Copy of the Act brought to this part of the Country and from whom I had not time when we parted to obtain a Copy, but he promised to forward it.

I shall do myself the honor of acknowledging the receipt of sundry Letters from Colo. Blount in my next, at present I am really hurried & on that acct. flatter myself he will excuse me.

I am Gentlemen, with Sentiments of the highest respect and esteem,

Your most obed. & very humble Servt.

RICHARD CASWELL.

HON'BLE WILLIAM BLOUNT, ESQ., TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, January 12th, 1787.

DEAR SIR:

Mr. Dowse arrived here last Night from Carolina and waited on me this morning, he said very little about the Tobacco, but I have heard that he purposes returning again, for what I do not know as no person has given me the least information or even intimation of what he has done or offered to do.

I had only the favor of two Letters by him, one of John G. Blount of about ten lines which he told me in General Terms that there was a very great uproar as I would see by an enclosed proclamation, but I did not find the proclamation; and the other was from Winslow which did not contain much more and these are the only Letters I have received from any person at Fayetteville since the Session commenced. This I suppose will find you at Kinston a little more at leisure than you have been for some time past and you will infinitely oblige me by informing me in General Terms what the Assembly have done, and in particular with the Tobacco, for on this head I am daily Questioned by the Board of Treasury. As there has been no Congress I can give you no Congressional News, but I will tell you what Members are here, namely from Georgia, Col. Few; South Carolina, Pinkney, Bull, Huger, Parker & Kean; North Carolina, myself; Virginia, Mr. Grayson; Pennsylvania, Mr. Meredith & Mr. Irvine; New Jersey, Mr. Clark and Mr. Linman; New York, Mr. Laurence, Mr. Hering and Mr. Smith; Connecticut, Dr. Johnston; Massachusetts, Mr. King. Mr. Few daily expects Judge Walton or Major Purie; myself, Mr. Bloodworth or some other. Mr. Madison & others are Expected from Virginia. A Delegation is shortly expected from Maryland, Dr. Johnston expects Mr. Mitchell and Mr. King Mr. Dane. No Delegate is expected from the three other States in any short time, namely, Delaware, Rhode Island and New Hampshire, hence you can judge as well as any person here when we shall probably form a Congress. My expectation of a Colleague is founded upon the knowledge that I ought to have one and not upon

any information that I have received from them for I have not Received a single line from either of them.

I am with unfeigned Esteem,

Your Most Obedient Humble Servant,

WM. BLOUNT.

TO THE HONORABLE THE DELEGATES IN CONGRESS FOR THE STATE
OF NORTH CAROLINA.

(From Executive Letter Book.)

No. CAROLINA, January 15th, 1787.

GENTLEMEN:

I have the honor to enclose herewith an Act of the Legislature of this State to bring to Condign punishment persons accused of fraudulent practices on the Treasury, &c. By the 13th Section of which you will be pleased to observe a duty is enjoined on you as well as myself. In conformity to that part relating to myself, Permit me to request you will use your utmost efforts to procure the Muster Rolls mentioned in the said Section, and transmit them to me in the speediest manner in your power; if the originals cannot be had, authenticated Copies will do.

I have the Honor to be with the greatest regard and Esteem Gentlemen,

Your most obed. very humble servant.

RICHARD CASWELL.

TO HIS EXCELLENCY GOVERNOR RANDOLPH FROM GOVERNOR
CASWELL.

(From Executive Letter Book.)

No. CAROLINA, KINSTON, January 20th, '87.

SIR:

I take the Liberty of enclosing a Proclamation for apprehending one John Marshall for certain fraudulent practices on the Treasury of this State, and requesting you will be pleased to direct the same

to be published in your State Gazette for four Weeks at least and in case of Marshall's being taken in the State of Virginia you will also be pleased to direct that he be forthwith sent to Halifax in this State. The expense attending this business shall be most Chearfully paid and your Friendly aid Gratefully Acknowledged, by Sir,

Your most obedient and Very humble Servant,

R. CASWELL.

NOTE.—Similar letters were sent to the Governors of Georgia and South Carolina.—ED.

HONORABLE NATHANIEL MACON'S RESIGNATION SENT TO
GOVERNOR CASWELL.

(From Executive Letter Book.)

WARREN, January 24th, 1787

SIR:

Your favor of the 20th Ultimo was handed me by Mr. B. Hawkins and am sorry to inform your Excellency that the provision made by the General Assembly will not enable me to proceed to New York, agreeable to your Request. Therefore you will please to Accept my Resignation of the Appointment as a Delegate.

And am,

Sir, with Great Respect,

Your Excellency's

Most Obedient Servant,

NATT. MACON.

JOHN LIKLY TO WILLIAM BLOUNT AND BENJAMIN HAWKINS.

(From Executive Letter Book.)

WILMINGTON, NO. CAROLINA, 26th Jan'y, 1787.

GENTLEMEN:

I am informed that you have the disposal of the Tobacco belonging to the Public of No. Carolina and as I would incline to make a purchase of about 500 Hhds., which is said to be about the Quantity stored on this River, I thereby take the liberty of offering you three

and one half Spanish Milled dollars per hundred pounds weight for any quantity of Tobacco under five hundred Hhds. of the Fayetteville Inspection, Crop 1785, the Tobacco to be delivered to me here reinspected and reweighed. I could wish it to be optional with me to pay either in Charleston, Richmond, Philadelphia or New York, but I mean that Payment shall be made for the whole in one Month from the Conclusion of the Bargain and before any part of the Tobacco leaves the Harbour.

If this offer is approved of by you & Notified to me in the Course of the ensuing Month, it will be held as binding on me. Mr. Bloodworth is good enough to undertake to forward this Letter & it will be agreeable how soon you are pleased to favour me with your Determination. I have the honor to be with great respect,

Gentlemen,

Yr. Most Obedt. Servt.,
JOHN LIKLY.

GOVERNOR CASWELL TO WILLIE JONES, ESQUIRE.

(From Executive Letter Book.)

KINSTON, January 27th, 1787.

DEAR SIR:

I did myself the Honor to write you from Fayetteville about the 7th or 8th Current, respecting your appointment as one of the Deputies to attend a Convention of Delegates for the purpose of revising the Federal Constitution at Philadelphia in May next.

Believe me that it would give me much pleasure to be informed that this service is agreeable to you and that you mean to attend it, in that case I will forward you a Warrant on the Collector of Port Roanoke, to whom I have written in Consequence of a Resolve of the Assembly to Retain in his hands Monies for the purpose, for three months allowance this being Judged by Col. Martin and Mr. Spaight a sum necessary. But Sir, if it is not convenient for you to accept the appointment it will become my duty to appoint some other Gentlemen to fill the vacancy & of this the sooner I obtain notice the better as it will give me more time to inquire for a proper person and

him greater time to prepare for the Journey, but this I sincerely wish you to save me from the disagreeableness of having to do.

Be pleased to write me as soon as opportunity presents.

With great respect and esteem,

I am Dear Sir, your most obedt. and

Very humble Servant,

R. CASWELL.

GOV. CASWELL TO COL. W. R. DAVIE.

(From Executive Letter Book.)

KINSTON, January 27th, 1787.

SIR:

I had the honour of writing to you at Fayetteville about three weeks past on the subject of your appointment as one of the Deputies of this State to the proposed Convention at Philadelphia in May next for the purpose of revising the Federal Constitution.

As it is my duty to supply the Gentlemen who go on the service with Warrants on the Collectors for their public allowance, the sooner it is done I persuade myself the greater will be the probability of their obtaining the money, so as to answer the design of the grant of the Assembly. It also is my duty in case of a vacancy to supply it by a new appointment, under these circumstances. Be pleased, Sir, to inform me as speedily as possible whether you accept the appointment of the Assembly in this particular, if you do I will forward a warrant on the Collector of Port Roanoke for three Months allowance, which seems to be the time supposed by Mr. Martin and Mr. Spaight to be necessary to be allowed for going to, attending the Convention and returning from thence, and in case of your declining the service, which I hope you will not, I may look for some other Gentleman in Time who may be prevailed on to engage in the business. Your answer by the Bearer, if Convenient will oblige, Sir,

Your most Obedient and very humble Servant,

R. CASWELL.

HONORABLE WILLIAM R. DAVIE TO GOV. CASWELL.

(From Executive Letter Book.)

WARRENTON, January 30th, 1787.

SIR:

I have the honor of acknowledging your Letter from Fayetteville and Kinston, relative to my appointment as one of the Deputies of this State to the proposed Convention at Philadelphia.

The importance of the object to the public and the absolute necessity of the measure have induced me to accept the appointment, notwithstanding any inconvenience it may produce in my private affairs. Your Excellency proposed sending me Warrants for three months allowance drawn on the Collector of Roanoke, if your Excellency will be pleased to forward the Warrants I will make the application at that Office but I will be obliged to you to draw them Generally on the Collectors so that should they not be honored at Edenton they may be taken up at some other Post.

The time suggested by Mr. Spaight is probably as long as we shall be absent and should the allowance be divided into three or four warrants they might be conveniently negotiated.

I have the honor to be,

With Great Respect, Sir

Your Most Obedient,
WILLIAM R. DAVIE.

SECRETARY OF CONGRESS TO GOVERNOR CASWELL.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,
February 2d, 1787.

SIR:

I have the honor to transmit to your Excellency herewith enclosed two Volumes of the Journals for 1786 together with two Indexes for the Volumes already sent, one for the Legislature and the other for the Executive, and to inform your Excellency that this day the United States in Congress Assembled have been pleased to appoint

his Excellency, Arthur St. Clair, their President for the Current Year.

I am sorry to mention that your State still continues to be unrepresented.

With the Greatest Respect I have the honor to be,

Your Excellencys Most Obedient & Most Humble Servt.,

CHAS. THOMSON.

BOARD OF TREASURY.

(From Executive Letter Book.)

BOARD OF TREASURY, February 2nd, 1787.

(Circular.)

SIR:

In obedience to the Orders of Congress we do ourselves the honor of transmitting to your Excellency, for the information of the Legislature of the State in which you reside, a particular state of the contingent Expenditures of the United States from the 1st day of January to the last Day of December, 1786.

We have the honor to be with Great Respect,

Your Excellency's Obedt. Hble. Servants,

SAMUEL OSGOOD,

WALTER LIVINGSTON,

ARTHUR LEE.

GOV. CASWELL TO COL. JOSEPH GREEN.

(From Executive Letter Book.)

KINSTON, February 4th, 1787.

SIR:

I wrote you the 30th Ultimo. that I had received official information of your being elected a Member of the Council of State for the Current year and requesting your attendance at this place the 2nd Instant, to qualify and enter on the duties of your appointment. The letter was put into the hands of Mr. George Linton who promised to deliver it to you the next day, whether he did or not I cannot

learn as he is not yet returned and as one of the Members came on the 2d and two others this day, who are waiting and without another Member they cannot proceed to business, I am therefore constrained to send this Express requesting your attendance here to-morrow if possible, or that you will be pleased to inform me the reason you do not attend, whether it is agreeable to you to qualify, if it is not I shall be under the necessity of sending an Express to Bladen, Mecklenburg & Burke where three of the Members of Council reside, and dismissing the attending Members for the present, which will be delaying the business. However I flatter myself you will prevent that by your attendance which will be very agreeable to me, and will give a satisfaction to the Public in general and your Friends in particular.

I am, Sir,

Your most obedt. Servt.,

R. CASWELL.

ALFRED MOORE, ESQUIRE, ATT'Y GENERAL TO GOV. CASWELL.

(From Executive Letter Book.)

WARRENTON, February 4th, 1787.

SIR:

A few days after the meeting of this Court I discovered that very few prosecutions could be supported without other Witnesses than those bound to attend here, I have learned by accident that several persons in Dobbs, Wayne, Johnston and Pitt Counties were Material Witnesses for the State to support prosecutions against those who have committed the frauds so General Complained of. I have obtained Subpœnas from the Judges and General Eaton has been so Obliging to procure some men to carry these Subpœnas to the Sheriffs of the respective Counties. The men are quite ready to do this service but suggest the want of Money to bear their Expences; The Treasurer has ventured on my application to *borrow* for them about twelve pounds which they say is not sufficient and have desired that I would signify to your Excellency the purpose for which they are sent to the Counties. I have mentioned it that your Excellency in case of necessity might interpose your power to keep them from want,

and enable them to perform the services required of them with as much Expedition as possible.

I am with very great respect,

Your Excellency's most obedient servant,

A. MOORE.

MR. WILLIE JONES' RESIGNATION AS A DEPUTY TO THE
CONVENTION.

(From Executive Letter Book.)

WARRENTON, February 4th, 1787.

DE. SIR,

I received your favor informing me that I was appointed to go to Philadelphia on the subject of revising the Confederation.

I think it will not be in my power to attend there at the Time appointed, and therefore must Request that you will appoint some person in my place as a matter of so much importance must necessarily require the fullest Representation.

I am with Respect Dr. Sir,

Your Most Obedient Servant,

WILLIE JONES.

FROM MAJOR EVANS TO GOVERNOR CASWELL, HIS ENQUIRIES.

(From Executive Letter Book.)

6 February, 1787.

Provided men are enlisted in what manner are they to be furnished with provisions, whether by the Commissary previous to their meeting at the place of Genl. Rendesvous and whether Waggons or Pack Horses are to be furnished for said Troops, and whether Tents can be allowed.

Provided men enlist and not being able to furnish themselves with Arms, Accoutrements, &c. The mode how they are to be furnished, and whether Clothing can be allowed them and whether or not a Coat in the word Suit, is not meant, and whether the Officers can be allowed Coats in the lieu of Hunting Shirts; whether Spiritous Liquors can be obtained whilst on actual Fatigue, Canteens wanted.

Officers Recruiting their allowance Commissary to furnish the Necessary forage, whether a Horse can be furnished the Commanding Officer exclusive of Pack Horses or a Wagon and if Horses (being private property) are lost or killed in service, how the owners are to be paid. Whether a further allowance of Edge Tools can be allowed for the purpose of hutting and fortifying.

Whether the Addition of Surgeon, Ad'j. & Serg. Maj. and Quarter Master Serg. can be added the Battalion. As the Commanding Officer of the Troops is desirous that the Battalion should make as Respectable appearance as possible, he wishes to be indulged with two Drums and Fifes and one pair of Colours as it is impossible to train men properly without those necessities, and that the Quarter Master furnish them. If granted Guides, their allowance.

With such other Allowances as your Excellency shall think proper to Grant.

THOS. EVANS.

February 6th, 1787.

TO MAJOR GEORGE DOHERTY FROM GOV. CASWELL.

(From Executive Letter Book.)

KINSTON, February 8th, 1787.

DEAR SIR:

Your favor of the 23rd Ulto. I duly received by Major Evans and by the Advice of the Council of State I have made out your appointment as Clothier and Paymaster of the Troops raising for the protection of Davidson County. The Commission and Bond are herewith enclosed, the latter you will fill in with the names of proper persons, have it Executed and Transmitted to me previous to your entering on the duties of your appointment.

There cannot be, or at least ought not to be a doubt but that the Assembly intended all the officers and soldiers to be furnished with Clothing alike and if the articles particularly Specified in the 5th Section of the Act, However ambiguous and inconsistent the same Act may be in the General, and of this opinion was the Council as well as myself, so that whenever you make the provision of Clothing please to govern yourself in that particular accordingly; as the Troops are not to receive the Clothing till October the Returns from Clinch will be in the time sufficient to ascertain the quantity & quality of

the articles necessary previous to your obtaining a Warrant, but if you can venture on your own Credit to engage such articles as you know will be proper for the Clothing I would not wish you to omit it, especially if you have a prospect of the publics deriving any advantage from the Purchase. I shall be happy in seeing you here whenever it is convenient but to save the trouble of a journey immediately on this Business the Commission and Bond are transmitted.

With much esteem & friendly regard I am, Dr. Sir,

Your most obedt. Servt.,
R. CASWELL.

FROM HON. WILLIAM BLOUNT TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, February 10th, 1787.

SIR:

On the evening of the 8th Instant I had the honor to receive by post your Excellency's letters of the 12th & 13th Ultimo. And I have the pleasure to inform you that my Colleague Mr. Hawkins arrived yesterday after a very disagreeable Journey in which he experienced some unavoidable detention. I have also received from Mr. Jno. G. Blount an Extract of the Act which Authorizes the Delegates in Congress to sell and dispose of the public Tobacco.

It is the opinion of Mr. Hawkins and myself that we cannot, with any propriety, offer the Tobacco for sale until we are informed at what particular place and the Time when it can be delivered, and quantity & quality at each place, as all these will be requisite with every Buyer who means to pay for it, and if we should be able to say that it has been lately re-inspected at the Ports of Delivery and re-weighed it would undoubtedly insure a better price, to the other parts we shall pay the earliest & utmost attention. As a Gentleman waits at my Elbow for the honor of bearing this, with Impatience I have only Time to add that,

I am Your Most Obedt. Servt.,
WM. BLOUNT.

WILLIAM GREEN, ESQ., TO GOVERNOR CASWELL.

(From Executive Letter Book.)

FRANKLIN, 17th February, 1787.

SIR:

I expect your Excellency is acquainted with the appointment of Commissioners for Examining of the Acc't of the late Com'rs for Settling the Various Claims of the Officers and Soldiers of the Continental line belonging to this State.

Report informs me I am one; the Law respecting said appointment further says your Excellency is requested to make Application for the Muster Rolls returned to the War Office, which Papers I suppose Necessary before we can proceed on business.

I beg your Excellency would take the same into Consideration and inform me by the Bearer when you think those Papers will be ready, or whether any person is dispatched for that purpose, or whether the Comr's must send for them by Order of your Excellency, and if so, that you would signify the same to us that we may make provision for the same by Timely application to your Excellency for Cash for that purpose.

I am with sincere Esteem, Your Excellency's,
Most Obedt. & Hble. Servt.,
WM. GREEN.

HON. CHAS. THOMAS, SECRETARY OF CONGRESS, TO GOV. CASWELL

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,
February 21st, 1787.

(Circular.)

SIR:

I have the honor to transmit to your Excellency herewith enclosed an Act of the United States in Congress Assembled, and am

With Great Respect, Your Excellency's
Most Obedient and Most Humble Servant,
CHAS. THOMSON.

RESOLVES OF CONGRESS.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

February 21st, 1787.

Whereas, there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the assent of a Congress of the United States and of the Legislature of the several States ; And Whereas, experience hath evinced that there are defects in the present Confederation, as a means to Remedy which several of the States, and particular the State of New York, by Express Instructions to their Delegates in Congress have suggested a Convention for the purposes expressed in the following Resolution, and such Convention appearing to be the most probable means of establishing in these States a firm National Government.

Resolved, That in the opinion of Congress, it is expedient that on the second Monday in May next a Convention of Delegates who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation and Reporting to Congress and the several Legislatures such alterations and provisions therein as shall when Agreed to in Congress and Confirmed by the States under the Federal Constitution be adequate to the Exigencies of Government and the preservation of the Union.

CHAS. THOMSON.

TO WILLIAM GREEN, ESQ., FROM GOV. CASWELL.

(From Executive Letter Book.)

KINSTON, February 22d, 1787.

SIR:

Your Letter of the 17th Current I have before me, in answer to which, you will be pleased to understand, that on the 15th of last Month I wrote the Delegates for this State in Congress and enclosed them a Copy of the Act of Assembly, by you alluded to, and requested they would Obtain the Muster Rolls required or Authenticated

Copies of them and transmit them to me in the speediest manner in their power.

This I presume was what the Assembly expected from me; they did not direct a special Messenger to be sent on the occasion, but if you think it necessary you are at liberty to do what you may judge proper, but it will not be in my power to furnish Cash on the Occasion.

It is as much my wish as any man's that a full inquiry may be made and Justice done the State, but I am not at Liberty to draw for money on the Occasion you mention.

If the Muster Rolls are furnished me I will immediately transmit them to the Board of Commissioners if they will be pleased to inform me where they set, as I will add any information I may receive on that head, or give the Board every Assistance in my power towards effecting the purpose of their appointment.

With Great esteem I am, Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO JUDGE DAVID CAMPBELL.

(From Executive Letter Book.)

KINSTON, 23d February, 1787.

SIR:

I had the Honor of receiving a letter from you of the 30th of November last, whilst at the Assembly sitting at Fayetteville, and intended at the close of the Session to have written you in Answer but the Multiplicity of business in making out Commissions and other Papers for the Members on their setting Out, Prevented me. Your Reasoning on the Necessity and propriety of establishing the Independence of the people on the Western Waters from this Government, to unprejudiced minds, and those as well informed of the situation of those people as myself, would, if persons from amongst those very people who had not represented Circumstances and things in a different point of view, I have no doubt had its proper weight & Brought about the desired object, but for the present, it is presumed they will return to the laws & Government under which they first settled that Country. For my own part I have been perfectly satisfied from my acquaintance with that Country in the year 1781, that nature never de-

signed the settlers there to be longer under the same Government with the people here, than their numbers Abilities and opulence would enable them to support a Government of their own, this I am also satisfied may easily be effected if those can be brought to agree among themselves and make a General application to the Legislature hereafter, returning to the former Government and agreeing to certain reasonable stipulations, somewhat similar to those held out by the State of Virginia to the Kentucky Districts. In full confidence that you would not hesitate in returning to the former Government, the General Assembly again Elected you to the office of Judge of Washington district and I have the Honor to enclose herewith the Commission. I expected to have seen Colo. Outlaw before he left Fayetteville and Conversed with him further on the subject of a separate Government, but did not return from this place to which I had occasionally retired, until he had set out from thence. This will be handed you by my son Winston Caswell who goes to Colo. Outlaw's on business for me; any Civilities you are pleased to show him shall be gratefully Acknowledged. I shall be happy in your Correspondence whenever it may be Agreeable. Twelve Months hence, if I should live, I expect to be at liberty to pursue my own private concerns uncontrolled by public employment, when if age and infirmities incident thereto do not prevent me I promise myself the satisfaction of visiting again the Western Counties and hope to have the pleasure of Waiting on you, in the mean time with Esteem and respect I am, Sir

Your most obedient & very humble Servant,
R. CASWELL.

GOVERNOR CASWELL TO JOHN SEVIER.

(From Executive Letter Book.)

KINSTON, 23d February, 1787.

SIR:

I was favored with your letter of the 28th of October on the subject of a Separate and Independent Government on your side of the Appalachian, which I did myself the honor of laying before the General Assembly. Their Resolutions and determinations on that subject I had flattered myself it would be in my power to have forward-

ed you Copies of by this Time and by my son Winston, who goes out to your Country on business of mine, but the printer who undertook to Compleat the public business in his way at Fayetteville has not furnished me; it must therefore suffice that I acquaint you for the present that the Assembly, from the representation of persons from among yourselves, was induced to believe that it was proper for the people to return to subjection to the laws and Government of North Carolina, that they are not yet of strength and opulence sufficient to support an independent state, that they, the Assembly, wish to Continue the benefits and protection of the State towards them until such time as their numbers and wealth will enable them to do for themselves when they, the Assembly, are free a separation may take place. In the mean Time the most Friendly intercourse between the Citizens on the Eastern & Western Waters is strongly Recommended, and as the people Westward of the Appalachian have received no benefit from Government for the two years last past they are willing to exempt them from the payment of the public Taxes. Thus Sir, you have in substance as far as I recollect, the amount of the proceedings of the Assembly, save the appointment of Civil & Military Officers for the three old and a new County, the Brigade to be Commanded by Evan Shelby, Esqr.; in the Civil department Judge Campbell is Reappointed & the Representatives Carried out Commissions for the County officers, Civil & Military. I have no doubt but a new Government may be shortly established if the people would unite, submit to the former Government and Petition for a separation, this I think the only Constitutional Mode & I firmly believe if Pursued will be a means of effecting a separation on Friendly Terms which I much wish and I cannot say but I have my own satisfaction in view, as I expect, if Life & Death and strength last to lay my bones on the Western Waters. Twelve Months will bring about a Release to me from public employment & it is my intention then to visit that Country once more and if I can find a place to secure an agreeable private retreat for the remainder of my Time I mean to establish it as the place of my residence. I wish you and your friends to consider the propriety of these measures and if you think proper to adopt them you will, I think, answer your views with respect to a new Government and come a shorter way to obtain the same than by divisions among yourselves for there will be greater Obstructions in your way than those occasioned by the mere opinion of the people here—these

are my Candid sentiments, I may be mistaken, but time will evince the propriety or otherwise of my observations.

I am with much Esteem & respect, Sir,

Your most obedient and very humble servant,

R. CASWELL.

P. S. My son Winston who delivers you this may stand in need of your Countenance, any civilities you are pleased to extend towards him will always be acknowledged by Yrs., &c.

R. C.

GOV. R. CASWELL TO ALEXANDER MCGILVARY.

(From Executive Letter Book.)

STATE OF NO. CAROLINA, KINSTON, 24th Feb., '87.

SIR:

The Correspondence between you and Anthony Bledsoe & James Robertson, Esquires, of Cumberland, has been laid before me as Governor of the State and on Considering the same I am induced to write you on the subject.

The State of our Western Country was laid before the General Assembly in their late Session held at Fayetteville in the months of November, December & January last, who expressed a concern that any of the Citizens of this State should have given your people any just cause of Complaint by their encroachments upon the Hunting grounds of the Creek nation. Whatever may have been the conduct of a few individuals you may be assured that they have not been Authorised or Countenanced by the State to Commit any trespasses on or infringe the rights of your people; on the Contrary we are disposed on all occasions to shew them all the friendship in our power and to demonstrate the same by every pacific Act consistent with our Rights and the Honor and dignity of a free, sovereign and Independent people. On being informed you had entered into a Pacific Treaty with our Brethren of the State of Georgia we judged it necessary to send a delegation from this State to treat with your people, supposing from thence you would be as friendly disposed towards us as your other neighbors, our friends and Brethren of Georgia, & I take upon me to assure you that nothing shall be done under the authority of the State respecting your people but what shall be strictly

Consistent with the Ties of Friendship unless your people from their own conduct bring on a different mode of Proceedure, and I request you will be pleased to direct that in case persons supposed to be Citizens of this State do make encroachments or Trespasses on the Hunting ground of your people, Complaints may be lodged with the Magistrates or leading people of our State nearest the place where such irregularities may be suggested to have been Committed, and I promise, on the part of the State, ample satisfaction shall be made to the injured where the same is actually made appear to have been done by our people. Such a mode as this being pursued will make the peace between us lasting, whereas the shedding of Blood by way of retaliation, too much practiced by the Indians, may be a means of a Tedious and Bloody War.

Our settlement on the Cumberland is young and altho' the Inhabitants are Brave and generally Good Warriors, their numbers being small has been an inducement to some of the Neighbouring Indians to fall upon their defenceless habitations and murder a few of the people; therefore the Assembly for their protection, as well as that of our Western Country in General, have ordered a Body of men to be raised and marched to that Country. This I thought it necessary to apprise you of to prevent an Idea being taken up that we mean to carry on a War with any particular Nation, our design being only to correct such of any Nation who shall offer violence to our Settlers in their peaceable habitations. This with the Blessing of God, I have no doubt we shall have strength sufficient to effect.

I shall esteem it a favor to be Honored with a Letter in answer whenever it may suit with your Convenience.

I am Sir, Very respectfully,

Your most obedient serv't.,

R. CASWELL.

BENJ. HAWKINS AND WM. BLOUNT TO COMMISSIONERS OF
TREASURY.

(From Executive Letter Book.)

NEW YORK, 24th Feb'y, 1787.

GENTLEMEN:

We enclose herewith an extract from an Act of our Legislature passed at their last Session, And we request the favor of the Board

of Treasury to give us their opinion on the following Queries: First, what plan is the most eligible for the Delegates to adopt in the Sale of the Tobacco so as to ensure a payment, and at the highest price that can be had for the same?

Second, In what manner the nett pounds can be carried to the credit of our State in Account with the United States in discharge of the Interest of the foreign debt due by the United States.

We are with much Esteem Gentlemen,

Yr. mo. Obedt. Servts.,

BENJ. HAWKINS,

WM. BLOUNT.

EXTRACT OF ACT OF ASSEMBLY ENCLOSED IN ABOVE.

(From Executive Letter Book.)

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, that the Delegates from this State in Congress be and they are Authorized to sell and dispose of the said Tobacco purchased by the State under the said Act, for the highest Price that can be had for the same, and the proceeds of such Sales shall be subject to the Orders of the Board of Treasury of the United States and shall be carried to the credit of this State in Acct. with the United States in discharge of so much of the Interest of the foreign Debt due by the United States for which this State is or may be liable, and on such sale being made as aforesaid they shall without delay advise the Governor thereof who shall be and is hereby directed & authorized to give the necessary orders to the several Commissioners to have the said Tobacco, respectively by them purchased, carefully rec'd and put into good order and readiness to be delivered at the usual place of landing at or near Edenton, Washington, or Wilmington, to such person or persons to whom the same may be sold as aforesaid.

R. CASWELL.

GOV. CASWELL TO ANTHONY BLEDSOE AND JAS. ROBERTSON,
ESQRS., OR EITHER OF THEM, CUMBERLAND RIVER.

(From Executive Letter Book.)

KINSTON, 27th February, 1787.

GENTLEMEN:

My son Winstom being about to set out for Holston where he has some business to transact for me I take the Liberty, by him, of enclosing herewith a Copy of or rather a Duplicate of the Letter I have written and transmitted a few days past to the post office for Mr. McGillvary, the Creek Indian Intendant, which I hope will be agreeable to you; this Duplicate you will be pleased to seal and forward to him by any safe conveyance from your Country as 'tis possible the original may not reach him.

Major Evans will, I expect, by the first of April be with his men at the lower end of Clinch & he supposes in the course of that & the next month to be able to cut through to your Settlements, this I shall be happy in knowing he is able to effect.

I have nothing particular to communicate to you at this Juncture, the Laws and Journals are not yet presented, or at least I am not informed that they are or I would endeavor to forward them to you.

I hope you will on all occasions give me as early information in case of any outrages being committed by your perfidious Enemies as you possibly can & particularly state the facts, & any other information you shall favor me with will always be acceptable, and you may rely on receiving every information I think worth Communicating & also all the assistance in my power in support of your settlement & Political Government. Gentlemen, I wish you health and happiness and am very respectfully,

Your most Obedient Servant,
R. CASWELL.

GOV. CASWELL TO COLO THOMAS HUTCHINGS OF HAWKINS
COUNTY.

(From Executive Letter Book.)

KINSTON, February 27th, 1787.

SIR:

By my son Winston who goes to collect some money due to me on Holston I send to the Sheriff of your County the Proclamation direct-

ing the removal of the Settlers on the Indian Hunting Grounds, with some others. I also send thirteen Commissions for the Lieuts. & as many for the Ensigns of your Regiment to be delivered and forwarded to you. I do not know that the Laws are yet printed or I would try to forward them. I shall be glad to know the Laws & Return to the old Government sits on the minds of your people in General, if you can conveniently inform me either by the Bearer or any other opportunity please to do so, & I shall gladly receive a line from you on all occasions.

I am very respectfully Sir,
Your most Obed. Servant.,
R. CASWELL.

Gov. CASWELL TO COL. TIPTON WASHINGTON.

(From Executive Letter Book.)

KINSTON, 27th February, 1787.

SIR:

Having occasion to send to Holston to try to collect some Money due to me there I have delayed sending out the Proclamation for removing the Inhabitants of the Indian Land & others, that they might go safe by the person I might find. My son Winston now goes on this business. He carries a packet for the Sheriff of your County & Commissions for 16 Lieuts. and as many Ensigns of the Militia of your Regiment to be delivered to you. The Laws are not yet printed that I know of or they should now be forwarded. I shall be glad to hear from you on all occasions and particularly respecting the disposition of the people in general respecting their Return to the Laws & Government of North Carolina.

Any Civilities you may be pleased to shew my son shall be Greatly acknowledged by Sir,

Your most Obedient Servt.,
R. CASWELL.

GOV. CASWELL TO ROBERT ROWAN, ESQ.

(From Executive Letter Book.)

KINSTON, February 28th, 1787.

DEAR SIR:

The Assembly in their late Session at Fayetteville impowered the Delegates of this State in Congress to sell & dispose of the public Tobacco, who desire to be informed at what particular place & the time when it can be delivered, & quantity and quality at each place. They further say that they should be enabled to say that it has been lately re-inspected at the ports of delivery and reweighed, in which case it would undoubtedly insure a better price.

Now, Sir, as the Tobacco is still under your direction, & will be so I presume untill delivered, I beg you will make me a return as speedily as possible agreeable to the requisition of the delegates. Every expence on this measure must be charged to the public.

My best respects attend you, Mrs. Rowan & family. I shall be happy in hearing from you on all occasions & particularly that you are getting better of your complaints.

I have the honor to be with sentiments of sincere esteem & Gratitude, Dr. Sir,

Your most obliged and Obedt. Servt.,
R. CASWELL.

COMMISSIONERS BOARD OF TREASURY TO BENJAMIN HAWKINS
AND WM. BLOUNT.

(From Executive Letter Book.)

NEW YORK, February 28th, 1787.

GENTLEMEN:

We are favored with your Letter of the 24th Instant enclosing an Extract of an Act of the Legislature of the State of North Carolina relative to the Sale of the State Tobacco; Previous to our answering the Queries You Propose, you will oblige us in letting us have the Quantity of Tobacco actually collected by the State,

Your Opinion as to the Quality, the ports of which the same will be delivered and at what proportions in each port.

We are with great Esteem,

Yr. Obedt. and humble Servts,
 SAMUEL OSGOOD,
 WALTER LIVINGSTON,
 ARTHUR LEE.

HON. WILLIAM BLOUNT TO EDWARD DOWSE.

(From Executive Letter Book.)

NEW YORK, February 28th, 1787.

DEAR SIR:

If I recollect right, you informed me that you, while in Carolina, informed yourself very particularly, at what places the North Carolina Tobacco was Stored; and also the quantity and quality thereof. Will you be so good as to communicate this information by note to me.

I am, Your Most Obedt. Servt.,

WM. BLOUNT.

To Mr. Edward Dowse.

MR. EDWARD DOWSE TO HON. WILLIAM BLOUNT.

(From Executive Letter Book.)

NEW YORK, February 28th, 1787.

DEAR SIR:

Of the Tobacco belonging to the State of North Carolina 540 Hogsheads were carried down to Wilmington before I left Cross-Creek; 315 Hogsheads were lying at the South of Roanoke, that is to say, two Hundred Hogsheads at Lockhart's warehouse near Edenton, & the remaining hundred and fifteen at Ryan's, about two Miles from Lockhart's. In John Gray Blount's warehouse is stored all the rest of the public Tobacco, viz: 320 hogsheads making altogether 1175 hogsheads.

As to the quality of it I had a very good character of such part of it as was sent from the Inspection at Campbell's town, whether that

comprehended the whole that was then at Wilmington I really can not recollect. In regard to the Parcel at the Mouth of the Roanoke I could get no particular information respecting it, whether it is in good or bad order I cannot say, but I received a dismal account of that which was at Tarborough and Washington. The Tobacco I was told was Originally good but has been almost ruined by Exposure, it having lain several weeks uncovered in the open rain so that it was expected that near one third of it would be found soiled upon a reinspection.

This is the best information I can give you upon the Subject of your enquiry. With Sentiments of esteem and Respectful attachment.

I am your most Obedt. Servt.,
EDWARD DOWSE.

GOV. CASWELL TO THE COMMISSIONERS OF THE BOARD OF
TREASURY.

(From Executive Letter Book.)

18, PRINCESS STREET, 1st March, 1787.

GENTLEMEN:

We have no regular information respecting the State of Tobacco; and it is probable our want of it is owing to the returns having been made to the Delegates of the State who were in Congress last year, and which has been carried to North Carolina among their papers.

The enclosed from Mr. Dowse we give credit to ourselves, subjoining the following remarks. The Quantity at Wilmington must have been inspected at Fayetteville or as he names it Campbellstown. That at Roanoke is in the warehouses from whence the Shipments are made at the port of Edenton, & it is of the Halifax inspection rarely inferior to the Petersburg. That at John Gray Blount's as at Washington, and of the Tarborough Inspection latterly equal to the Halifax Inspection.

Mr. Hawkins was at Fayetteville in Dec. and at Halifax in Jan'y. And made some enquiry as to the quality of the Inspectors, they told him it was superior to any made the Crop of 1786, and the most of it if not damaged, of the Petersburg Quality; but as he did suppose the proper information was lodged with the Delegates he did not

apply further. The Quality reported by a Committee brought in the Bill for the Sale, &c., of it, was 1360,000lb nett; the report of the Committee is just and founded on the number of the Hogsheads reported by Mr. Dowse; the average weight of the Tobacco is a certain Evidence of the goodness of it.

We are with sincere Esteem,
Yr. Most Obedt. Servts.,
WM. BLOUNT,
BENJAMIN HAWKINS.

GOV. CASWELL TO COL. W. R. DAVIE.

(From Executive Letter Book.)

KINSTON, March the 1st, 1787.

DEAR SIR:

Your favor from Warrenton I received by my son Winston and am very glad that you accept the appointment of a deputy to the Convention. I am sensible you will thereby sacrifice Interest, but the public on some occasion require it and I think particularly in this Business.

I would have forwarded your Warrant before this, but I had flattered myself it might be necessary to forward Warrants for Mr. Willie Jones at the same time. This however I have been mistaken in, as this day I have received his letter in which he declines the service, which I am exceedingly sorry for not only on account of his Country's not having his able services but the difficulty I shall meet with in supplying his place.

Colo. Martin suggested the necessity of a Commission, I have therefore made out separate ones lest the Gentleman in possession of a General Commission might not attend, & have taken the liberty of enclosing yours with three warrants on the Collectors for £64 each.

I am not certain if I shall be able to go to Philadelphia, but whether I do or not should be glad to know what Time you intend to set out, if you go. I expect to be at Halifax the 20th of April and Petersburg the 22d, to this effect I have written to Governor Martin

who may probably meet me at one of these places. Colo. Spaight I believe will go by water.

Do you know any gentleman who would go willingly to supply Mr. Jones's appointment that you would recommend. If you do I shall be glad to be informed early because I must look out and in case I find a Gentleman suitable before I hear from you, as that is uncertain the vacancy may be filled. It would give me pleasure to appoint one who would be agreeable to the Gentlemen who go on the service.

I have the honor to be with great respect and esteem, Sir,
Your most obdt. & very humble Servt.,
R. CASWELL.

GOV. CASWELL TO HON WILLIAM BLOUNT, ESQUIRE.

(From Executive Letter Book.)

NO. CAROLINA, KINSTON, March 1st, 1787.

SIR:

I have the honor to acknowledge the rec't of your favor of the 30th Decr., 12th & 28th January & 5th & 10th of February, all which arrived at this place near the same time and a few days past with a packet of Newspapers. For these letters & several prior to their dates permit me to thank you.

Agreeable to yours of the 28th Decr., I have written to the several Naval Officers to furnish Attested Copies of Accot's of the exports of Articles of the Growth and Manufacture of this State for the years 1785 & 1786, & also of the shipping in which such Articles were exported and to what nation they belonged; these returns I directed to be made to me to the end that one Copy may be furnished the delegates in Congress, one Copy to the deputies in the proposed Convention and one Copy lodged with the Executive for the use of the General Assembly.

Mr. Dowse, altho' he was by your Letter introduced to me and every mark of respect shewn him by an early introduction of his business to the Assembly, was not so complaisant as to either take his leave of me or give me the notice of his leaving the Town. It is true I was absent from Fayetteville about ten days, in which Time his business had been before the Committee, and the day before he left that Place I returned there & the next day as he drove out of

Town I saw him from the door of the house in which I lodged, he made his Bow but did not inform me that he was then set out for New York, nor did I know it till several days after; thus Sir, I account for not writing by Mr. Dowse. You have discovered by the powers the Assembly have given the delegates to dispose of our public Tobacco that Mr. Dowse was mistaken in the Idea he had taken up of the intentions of the State; your suggestions I presume were well founded, as 'tis possible he might have heard some important members not unthinkingly express themselves to the effect he mentioned, & you know 'tis easy for a man Disposed to Derogate from the Consequence, Credit or Dignity of a State to find out from the bulk of our Assembly sufficient matter dropt by such members as you have directed to go upon. I am really sorry to learn that you have amongst you those who can dwindle to such low subterfuges to answer their purposes in keeping the State of No. Carolina from her Right, in common with her sister States, of having a president chosen in order from her delegation and it gives me pain for the feelings of Gentlemen, Circumstanced as our Delegates must be on such an occasion. I do not wonder you have determined to return when your half year's tour is out. I presume by this time Mr. Ashe is on his way & will arrive before you set out; Mr. Burton from whom I have just heard, will go on in a few days; Mr. Macon has resigned, so that Mr. Hawkins, Mr. Ashe and Mr. Burton I expect will Compleat the service of this year.

I have written to the late Commissioners for purchasing the public Tobacco to furnish me with a Return agreeable to your advice, that is of the particular places of delivery, the quantity and quality at each place, & if it has not been lately reweighed & reinspected at the ports of delivery to have the same done and signified in their Respective returns, and as soon as those Returns come to hand they shall be forwarded to our Delegates in Congress; in the mean time I think they may be in a great measure governed in their proposals for the sale of the Tobacco by the return Certified by me to the Board of Treasury. I cannot conveniently have recourse to the Copies of my Letter on that head to the Board or I would not give you the trouble of calling for the account there.

I am sorry you are still uninformed of the proceedings of our last Session of Assembly & more so that I cannot even now give you the satisfaction of knowing their General transactions. I have a list of

the Laws passed and if I can find it I will enclose it to you. Hodge undertook to print the laws at Fayetteville where, according to a statute lately enacted, the originals were by order of the Assembly left for that purpose, so that I have not been able to get a sight of more than two which were immediately published, one for appointing deputies to the proposed Convention at Philadelphia of which I enclose you Copy, & the other for establishing a Court of Oyer for the Tryal of Persons charged with frauds on the Treasury; this I believe I also forwarded a Copy of requesting you would apply to the War Office for the Muster Rolls, which request I beg leave to repeat as the Commissioners, to-wit: Thos. Person, Wm. Green & Matthew Lock, cannot regularly proceed on a reinquiry into the Justness of the accounts passed by the former Commissioners without the Muster Rolls or authenticated Copies.

The Court of Oyer is over, what business remains unfinished was adjourned into the Superior Court to be held next Month at Halifax. At Warrenton Benj. McCulloch, John Sheppard, John McNees, John Price, William Faircloth, Thos. Butcher, Jas. Holmes McCarthy, Mann Phillips, & two or three others whose names I do not recollect, were Convicted of Frauds & Misdemeanors; Mr. McCulloch fined in £4,000, Price and Faircloth I believe in £1,000 each, McNees and Sheppard in £400 each & others in proportion; all except McCulloch & Sheppard to stand in bail, McCulloch imprisoned 12 Mos., Sheppard 9 Mos., Sheppard I am told was released from the pillory on the application of old Mrs. Hawkins & other ladies who petitioned in his behalf.

Mr. Willie Jones declines going to the Convention, I shall be under difficulties in supplying his place, I fear. Dr. Williamson I have in view & who instead of myself I know not, I do not think I can go, but if I do perhaps I may visit the delegates at New York, but suppose you will be come away before May. I do not recollect that I have any thing in this Time further to say but my best respects attend you and my other friends at Congress. Mr. Hawkins you informed me has arrived, I was really glad to hear he was so; I have, and always since I knew him, had a warm affection for him and notwithstanding the opinion that some hold respecting his conduct as a Commissioner under the authority of Congress, in the late Indian

treaties as Delegate of No. Carolina, I am sure he will discharge his duty to his Country in a becoming manner.

I am Dear Sir, with sentiments of the Greatest esteem and regard,
Your most obed. & very humble Servant.,
R. CASWELL.

GOV. CASWELL TO JNO. WALKER, JAS. COOR, WM. BROWN, M. PAYNE
AND JNO. HUMPHRIES.

(From Executive Letter Book.)

KINSTON, 1st March, 1787.

(Circular.)

SIR:

I find it absolutely necessary for the advantage of the State to require that you do without delay furnish me with an attested Accot. in your official capacity as Naval Officer of Port Brunswick of each & every article exported from your port in the years 1785 & 1786. I mean the amot. of each article, each year, of the growth and manufacture of this State, and if possible the no. and class of vessels that is ships, sloops, schooners, &c., with the nation to which each certain no. belongs.

Indeed three Copies will be necessary, one to be laid before Congress, one before the Convention of Deputies proposed to be held at Philadelphia the first of May next, and one to lodge with the Executive for the information of the General Assembly. Pray do not fail in furnishing me as speedily as possible otherwise it will be too late to transmit the Copy to the Convention. Any expence attending this measure must be charged to the public.

I am most respectfully, Sir,
Your most obed. Servt.,
R. CASWELL.

HON. CHAS. THOMPSON, SEC'Y OF CONGRESS, TO GOV. CASWELL.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS, March 1st, 1787.

(Circular.)

SIR:

Pursuant to order I have the honor to transmit to your Excellency herewith enclosed a State of the Representation in Congress for the

Months of Dec. & Jan'y to be communicated to the Legislature.

With the Greatest respect, I have the honor to be,

Your Excellency's Most Obedt. & Hble Servt.,

CHAS. THOMPSON.

REPRESENTATION IN CONGRESS, ENCLOSED ABOVE.

A State of the Representation in Congress, for the Month of Dec. 1786, Pursuant to the Act of 17th August, 1785.

MEMBERS IN TOWN.

New Hampshire—

Massachusetts—Mr. King.

Rhode Island—

Connecticut—

New York—Mr. Lawrence, Mr. Smith.

New Jersey—Mr. Sherman.

Pennsylvania—Mr. Meredith, Mr. Bingham.

Delaware—

Maryland—Mr. H. Ramsey, Mr. Harrison.

Virginia—Mr. Grayson, Mr. Carrington.

North Carolina—Mr. Blount.

South Carolina—Mr. Bull, Mr. Pinkney, Mr. Kean, Mr. Parker,
Mr. Huger.

Georgia—Mr. Few.

GOV. SULLIVAN TO HIS EXCELLENCY GOV. CASWELL.

(From Executive Letter Book.)

STATE OF NEW HAMPSHIRE, DURHAM, 3 March 1787.

SIR:

I have the honor of enclosing you a Resolve of the General Assembly of this State appointing Delegates to meet in Convention at Philadelphia on the second day of May next, and am with much

Esteem, Sir, Your Excellency's,

Most obedient and very humble Servant,

JNO. SULLIVAN.

RESOLUTION OF THE GENERAL ASSEMBLY OF NEW HAMPSHIRE.

(From Executive Letter Book.)

STATE OF NEW HAMPSHIRE, IN THE HOUSE OF REPRESENTATIVES,

January 17th, 1787.

Resolved, That any two of the Delegates of this State to the Congress of the United States be, and hereby are appointed as Deputies from this State in the Union, to assemble in Convention at Philadelphia on the Second day of May next, and to join with them in devising and discussing all such alterations and further provisions, as to render the Federal Constitution adequate to the Exigencies of the Union, and reporting such an Act to the United States in Congress, as when agreed to by them and duly confirmed by the several States, will effectually provide for the same. But in case of the Death of any of said Deputies or their declining their appointments, the Executive is hereby Authorized to supply such Vacancies, and the President is requested to transmit forthwith a Copy of this Resolve to the United States in the Union.

Sent up for Concurrence.

JOHN LANDON, Speaker.

In Senate, the same day read and Concurred with this Amendment, that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them that they approve of the said Convention as advantageous to the Union and not an infringement of the powers granted to Congress by the Confederation.

JNO. SULLIVAN, President.

In the House of Representatives, the same day read and Concurred.

JOHN LANDON, Speaker.

A True Copy.

Attest: Joseph Pearson, Sect'y.

GOV. CASWELL TO THE HONBLES. JOS. LEECH, FRED HARGET,
JOSEPH GREEN, JOHN HAWKS AND THOMAS BROWN, ESQUIRES.

(From Executive Letter Book.)

KINSTON, March 5th, 1787.

(Circular.)

DEAR SIR:

Mr. Willie Jones has declined going to Philadelphia as a deputy for this State at the proposed Convention in May next, and I do not know if it will be advisable for me to go on that business. I therefore propose a meeting of the Council at New Bern on Monday, the 12th of March, Instant, when you will be pleased to attend to deliberate on this and other business; the more I consider the object the Assembly had in view, the more I am convinced of the necessity & propriety of our having a full representation in the Convention and therefore wish, if possible, you will be punctual in attending the Council.

I have the Honor to be, with great respect & esteem, Dr. Sir,
Your most obed. Servt.,
RICHARD CASWELL.

GOVERNOR CASWELL TO COL. W. R. DAVIE.

(From Executive Letter Book.)

KINSTON, March 7th, 1787.

DEAR SIR:

Your favor of the 5th Instant by Capt. Hart, came safe to hand, at the same time a Petition in favor of Capt. Read. I consider Read as one of those against whom a prosecution was directed by the General Assembly and that I am not at Liberty to grant a pardon to any under the same circumstances. However I have appointed a Meeting of the Council at New Bern on Monday, the 12th Inst., when their advice shall be taken on his petition, his case is such as to induce me to grant him a pardon if in my power.

I wrote you some days past by a person Colo. Glasgow informed me (think Wm. Andrews) was going to Halifax and enclosed you a Commission as a Deputy and three Warrants for £64 each. I shall be glad to hear you have received the same.

I shall be very willing to go on the service you mention & be happy in travelling with you, but I am not yet satisfied it will be prudent for me to leave the State; when the Council meet & I have an opportunity of seeing the Speaker of the Senate and also knowing who will supply the place of Mr. W. Jones I shall be better able to inform you, this I flatter myself of doing by Mr. Richd. Fenner who tells me he will be about to return from New Bern to Halifax about the last of next week.

I have the honor to be, very respectfully, Dr. Sir,

Your most obed. Servt.,

R. CASWELL.

HON. BENJ. HAWKINS & WM. BLOUNT TO SAM OSGOOD & WALTER LIVINGSTON.

(From Executive Letter Book.)

BOARD OF TREASURY, 14th March, 1787.

GENTLEMEN:

We have deferred answering your Letter of the 24th of last Month in hopes of having it in our power to suggest some plan for the sale of the tobacco in No. Carolina, which would be advantageous to the State as well as to the Union; such appears at present to offer itself from the House of Messrs. Constable, Rucker & Co., of this city who, supposing us to be vested with powers to sell the Tobacco has suggested Proposals for the purchase of it. As the solidity of this House may be relied on (they being partners to Robert Morris, Esq., of the City of Philadelphia) we beg leave to refer the Terms they have suggested to your Consideration.

We are Gentlemen, with Sentiments of Esteem,

Your Obedt. Humble Servts.,

WALTER LIVINGSTON,

SAMUEL OSGOOD.

FROM HON. WILLIAM BLOUNT TO GOVERNOR CASWELL.

(From Executive Letter Book.)

NEW YORK, March 14th, 1787.

SIR:

The Delegates of North Carolina just now offered for the Public Tobacco by Constable, Rucker & Co., three dollars and one third of a Dollar per Cwt., payable in such Bills on Holland as the Board of Treasury will accept as a payment from the State and as they will apply to the payment of the Interest due on the Dutch Loan in June next. One Condition is that the Tobacco shall be re-inspected under the Eye of an Agent of the purchasers by some one or more of the North Carolina Inspectors. Another is that 30,000 dollars shall be Advanced by the Purchasers on Closing the Contract, Otherwise the June Interest can't be provided for in time. It is my opinion at present that the Delegation ought to accept the offer and I believe will, and if they do Vessels will be immediately sent from hence to the different Ports to receive it.

The Delegation will probably be able to write more fully by to-morrow's post. I have the honor to be,

Your Most obedt. Servant,
WM. BLOUNT.

GOV. RICHARD CASWELL TO THE COUNCIL.

(From Executive Letter Book.)

MR. PRESIDENT & GENTLEMEN OF COUNCIL:

As it is possible the Business of Government, or some other unforeseen cause, may prevent my going upon the service appointed me by the General Assembly as one of the Deputies to the Convention proposed to be held at Philadelphia in May next, for the purpose of revising the Federal Constitution, & as I am loth to put you to the trouble or the State to the expence of meeting again in case such an event should happen, for the purpose of recommending a person to supply my place I submit to your Consideration the propriety of your entering on that subject at this Time. Mr. William Blount, one of the Delegates for this State now in Congress, hath signified to me

his intention of returning to the State at the end of his six months tour of Duty, which I apprehend will be out the first Monday in May, and am inclined to believe he will then leave Congress as Mr. Hawkins is there, and Mr. Ashe and Mr. Burton will in all probability be there long before May, as I believe they have both set out before this time. If you think Mr. Blount a proper person, in case I have mentioned, to supply the vacancy it is very likely that he will, on receiving an appointment, join the Gentlemen appointed on this business at Philadelphia.

R. CASWELL.

New Bern, 14th March, 1787.

GOV. CASWELL TO HON. HUGH WILLIAMSON.

(From Executive Letter Book.)

NEW BERN, March 14th, 1787.

DEAR SIR:

By the Act of Assembly, I take the liberty of enclosing herewith, you will observe that in case of any vacancy happening in the Deputation I am invested with power to supply the same by a new appointment.

Mr. Willie Jones has declined his appointment. I have done myself the honor of naming you to fill the vacancy, the Members of the Council who now sitting here as a board are unanimous in their approbation of that choice & sincerely hope you will accept the same. Please to inform me as soon as practicable if the same is agreeable to you, if it is, I will forward you a Commission and Warrants on the Collector of the imposts at Edenton for three months allowance from the public at the rate of £64 p. month, the Time being supposed by the other Gentlemen in the Deputation as sufficient to Compleat the service, & the allowance directed by a resolve of the Assembly. I am, Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO HON. JOSEPH McDOWELL AND JOHN NELSON.

(From Executive Letter Book.)

KINSTON, March 15th, 1787.

SIR:

Business of importance to the State requiring a meeting of the Council I have appointed such meeting to be at this place on Thursday the 12th of April next, when I flatter myself all the Members will attend, as the business is of such consequence as to require a full Board; indeed four members were Convened yesterday at New Bern who declined entering upon the Consideration of the same recommending that I should summon all the Members to meet at the Time and place first mentioned.

Under these Considerations, Sir, I have the most sanguine expectation that you will attend and take your seat at the Board.

I have the Honor to be, with great respect and esteem Sir,

Your most obedt. Servant,

R. CASWELL.

ROBERT ROWAN, ESQR., LATE COMMISSIONER FOR PURCHASING
TOBACCO TO GOVERNOR CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, March 15th, 1787.

SIR:

I had the honor of your Excellency's Letter Yesterday by Capt. Farragut and was extremely glad to hear of your being in health. Since the rising of the Assembly I have not been able to procure freight for one single hogshead of Tobacco, the boats being always filled with the Merchants produce who also had it in their power to load them up; but as the hurry of their Business is now Chiefly over, expect soon to prevail on the Shippers to take it down. I shall attend to your Excellency's directions Respecting the Re-inspection & other Matters and have a proper account of it transmitted as soon as it possibly can be done.

I have the honor to be, Sir,

With the most perfect Esteem & respect,

Your Excellency's very Obedient Servant,

ROBERT ROWAN.

SAM. OSGOOD AND WALTER LIVINGSTON TO DELEGATES IN CONGRESS.

(From Executive Letter Book.)

BOARD OF TREASURY, March 17th, 1787.

GENTLEMEN :

We are obliged to you for your Communication of the agreement which you proposed to enter into with Messrs. Constable, Rucker & Co., for the purchase of Tobacco collected by the State of North Carolina for the use of the United States. It gives us pleasure to find that you have obtained a better price for the Tobacco than what was offered last year, and that you have Negotiated the sale so as to secure an advance to the United States at a very Critical period for the Payment of the Interest which will be due on the Dutch Loans on the 1st of June next. From the Solidity of the House with which you have Contracted we have no doubt that these Bills will be punctually paid, and the whole Contract on their part be fulfilled. It will be necessary that Duplicate Receipts of the Tobacco, received under the Contract, should from time to time be transmitted to this Office that the State may obtain a credit in Specie Dollars for the amount of the Tobacco delivered at the Contract price, without having any Relation to the rate of Exchange as fixed by the Contract.

We are Gentlemen, with great Esteem,

Your Obedt. Humble Servts.

SAMUEL OSGOOD,

WALTER LIVINGSTON.

TO THE HONBLE. BENJAMIN HAWKINS & WILLIAM BLOUNT, DELEGATES FOR THE STATE OF NORTH CAROLINA.

(From Executive Letter Book.)

Articles of Agreement made and entered into this day, 16th March, 1787, between the Honble. William Blount & Benjamin Hawkins, Esquires, Delegates in Congress for the State of North Carolina, and Constable, Rucker, & Co., of New York, Merchants.

1st. The said William Blount and Benjamin Hawkins, by virtue of Authority in them Vested by an Act of the Legislature of the

State of North Carolina passed at the last Sessions, directing and Authorizing the Delegates in Congress from that State to sell and dispose of all the Tobacco purchased by the said State under an Act of Assembly dated 29th Decm., 1785, have this day sold to Constable, Rucker & Co., all such part of the said Tobacco as shall upon re-inspection be found Good and Merchantable, at the rate of three Spanish Milled Dollars and one third per hundred pounds, nett weight at the time of delivery.

2nd. That the said Tobacco shall be carefully re-inspected and put in good shipping order free of any expence to the purchasers other than the above stipulated sum of twenty-six Shillings & Eight pence per one Hundred pounds, and be delivered at the Ports of Wilmington and Washington or Edenton, to their Attorneys who shall give Receipts for the Same and the delivery shall Commence within thirty days from the date hereof and be Continued until the whole shall be received.

3d. That should any dispute arise between the Agent of the said State and the Agent of the Purchasers, respecting the Quality of the Tobacco, it shall be submitted to persons of Character, mutually chosen by the parties, whose award shall be final.

4th. It is agreed that the Vessels sent round by the purchasers shall give six days notice of their arrival to the State agents at the different Points of Delivery, after which time on failure of Delivering the Necessary Tobacco to load them, the State shall pay the Customary demurrage for the Detention of said Vessels for all such time as they shall be detained.

5th. It is agreed on the part of Constable, Rucker & Co., that they will advance on account of this Contract, to the Commissioners of the Board of Treasury of the United States, the sum of Twenty-five thousand Guilders in Bills of Exchange on Amsterdam as follows: One set to be delivered the sixth day of April next, for fifty Thousand Guilders payable the first of November next, and one other set for Twenty-five Thousand Guilders to be delivered on the Sixteenth of same Month payable the first of December ensuing; Provided always, that if the Tobacco delivered in pursuance of this agreement shall not amount to the Sum so Advanced in Bills, which shall be computed at three Shillings and two pence Currency per Guilder, the over plus shall be reimbursed Constable, Rucker & Co., within Ninety days after the deficiency shall be Ascertained, and

in like Manner if the Quality of Tobacco delivered shall exceed the said amount the Balance shall be paid the Commissioners of Treasury within Ninety days after the same shall be Determined.

In Witness Whereof, the Parties have Hereunto interchangeably set their Hands & Seals the day & date above Written.

WILLIAM BLOUNT,
BENJAMIN HAWKINS.

Delivered in presence of John Shipboy.

CONSTABLE, RUCKER & CO.

DAVID CAMPBELL, ESQUIRE, TO GOVERNOR CASWELL.

(From Executive Letter Book.)

STATE OF FRANKLIN, CASWELL COUNTY,

March 18th, 1787.

I was honored with yours of the 23rd of February for which I beg of you to Accept of my most cordial Acknowledgments. The Majority of the People of Franklin proclaim, with a degree of enthusiastic zeal, against reversion to your State, indeed I am at a loss to conjecture whether your Assembly wishes us to revert; if so, why did they treat the old faithful officers of this Country with so much Contempt: Officers who have suffered in the Common Cause, who have been faithful in the discharge of the trust reposed in them, have been displaced without even the formality of a Trial. Misrepresentation by a few Mal-contents might have been the cause of such proceedings, but surely it was a most impolitic step. If the old Officers, who were the Choice of the People and under whom they have long served, had been continued, I doubt not but all things would have been settled here agreeable to the most Sanguine wishes of your General Assembly. Such infringements on the Liberties and Privileges of a free People will never be attended with any Salutary Consequences. I also blame the Law which passed in your Assembly to enable the People here to hold partial Elections; if it was intended to divide us and set us to measuring one another, it was well concerted; but an ill planned Scheme, if intended for the good of all. The great number of Warrants which issue from your Entry taker's Office without the Composition money being paid, is a very

great evil, & will tend exceedingly to embarrass this Country, but I understand your Assembly have put a stop to such unfair proceedings. You mention if the people here could be brought to make a General Application to the Legislature of No. Carolina the desired object might be easily brought about. Human nature is the same in all Countries, to expect to bring a People Cordially & Unanimously to adopt even the Most Salutary Measure is not to be Expected and they will most assuredly be refractory to doubtful & exceptionable plans.

The People here, for I have been in Public Assemblies and made it my business to collect their Sentiments, dread the Idea of a Reversion. They, say, if No. Carolina is in earnest about granting them a Separation why not permit them to go on as they have begun and not involve them in inextricable difficulties by undoing the work of two or three years Past. They made offers by their Agent which they think was favorable to your Country but they rejected it with Contempt. I mean the Bill Offered by General Rutherford to your Assembly in behalf of this people. What Conditions say they would No. Carolina extort from us, were we under their laws and immediate influence? Indeed my mind is filled with a degree of painful anxiety for this people. The Sword of Justice and vengeance will I believe, be shortly drawn against those of this Country who attempt to overturn and violate the Laws and Government of Franklin, and God only knows what will be the event. If any Blood is spilt on this Occasion the Act for Partial Elections from your Country will be the cause of it, & I am Bold to say the Author of that Act was the Author of much Evil.

That your Excellency may not be in the dark about the Spirit and Determination of a Great Majority of these People in Supporting, Maintaining and Defending their beloved Franklin, I shall give you a brief and Concise detail of what has transpired here since the fate of our Memorial and personal application to the Legislature of North Carolina has been announced to us: Pains was taken to collect the minds of the people Respecting a Reversion, many who were formerly lukewarm are now flaming patriots for Franklin, those who were real Franklinites are now Burning with enthusiastic zeal, they say North Carolina has not treated us like a Parent but a step Dame; She means to sacrifice us to the Indian Savages; She has broke our old Officers under whom we fought and bled, and Placed

over us many men unskilled in Military Achievements and who were none of our Choice. The General Assembly has been convened, steps were taken for our Internal Security with a degree of unanimity never before seen in a deliberative Assembly. A Treaty is set on foot with the Indians. The Land Office opened to the Tennessee from the So. Carolina side of French Broad & Holston Rivers. Did not interfere with the No. side where your office was opened. Cautiously avoided interfering with the Rights of Congress.

You may judge from the foregoing whether these people are in earnest or no. You must not conclude we are altogether unanimous: but I do assure you a very Great Majority, perhaps Nineteen twentieths, seem Determined to Persevere at all hazards.

I make no doubt but your Excellency will use your influence to bring Matters to a friendly and advantageous issue for both Countries, nothing that the love of Humanity can inspire me with shall be wanting on my part. Your requesting a Correspondence does me the highest honor. I feel myself inspired with a friendship for you such as can be but Seldom felt by those who have never seen each other; I wish you every happiness during your National Embassy; great expectations are raised in the minds of thinking men from the Deliberations of so venerable an Assembly.

When it suits your Public and Private Concerns I shall be happy to see you in the State of Franklin, where your Name and Character are much revered.

I am, with the highest Sentiments of Esteem,

Your Excellency's Most Obedt. Humble Serv't.,

DAVID CAMPBELL.

HONORABLE HUGH WILLIAMSON, ESQR., TO GOVERNOR CASWELL.

(From Executive Letter Book.)

EDENTON, 19 March, 1787.

DEAR SIR:

On the 17th Inst. I received yours of the 14th and Consider myself extremely flattered by your Excellency's Recommendation and the Unanimous approbation of Council to a Trust that requires much Political Knowledge—one to which I feel myself very incompetent, tho' I have devoted many an hour to Studying the True Interest of

this State & of the Union at large. However, as I have a constant and sincere desire to serve the State & am very desirous in every case to fulfill the Expectations of my Friends, I shall hold myself in readiness to attend at the Convention of Philadelphia. Some Merchantile Friends here have, with Civility, requested me to charge them with the care of some Business that might otherwise have claimed my Attention. Your Excellency will therefore be so good as to forward the Draughts and Commission. I presume that according to an Act of Congress dated the 21st Feb'y the Convention is to meet at Philadelphia on the Second Monday in May.

I have the honor to be with the utmost regard, Dear Sir,
Your most obedient and very humble Servt.,
HUGH WILLIAMSON.

CONTRACT AND COMMUNICATION RESPECTING PUBLIC TOBACCO.

(From Executive Letter Book.)

NEW YORK, the 19th March, 1787.

DEAR SIR:

Immediately on the receipt of your Excellency's favour of the 12th January, with the Extract of an Act for the disposal of the public Tobacco, Col. Blount turned his attention to that Important object but could not make any progress; and on the arrival of Mr. Hawkins we agreed to apply to the Board of Treasury for their advise and assistance and accordingly wrote them the Letter marked I, with the extract, at the same time Called on the Board and gave such an Explanation as would remove as far as practicable any Objections against the infederal aspect of the Act "The United States in Congress Assembled having the Authority to ascertain the necessary sums of Money to be raised for the service of the United States and to appropriate and apply the same for defraying the public Expenses." The Board seemed much disposed to co-operate with us, and took upon them the part Assigned in our first quere. To their letter marked 2 we could give no other information than such as is detailed in the enclosed, which follow in order that letter.

We soon discovered that to sell the Tobacco & at a higher price was practicable, provided we would do it on Credit and at the risque of not being paid, or if paid, in paper money in our own State or

some other State at par with the Specie Contract. The variety of Bankrupts in the large Commercial Cities has given such a shock to private faith, that Bills of exchange are deemed very uncertain remittance. The Act did not authorize us to Ship the Tobacco, or we should most assuredly have sent it to the Farmers General of France, having it previously insured in Europe, and under the Care of Mr. Jefferson our Minister pleni-potentiary at Paris. This mode it is generally agreed here, would have produced the most, and next to it the one we have adopted. This letter will produce us a Credit at twenty-six and eight pounds per hundred, on the receipt of the receipts of the Tobacco at the Treasury, and it will, more over, be paid according to the intentions of our Legislature in discharge of so much of the Interest which will be due on the Dutch Loans on the 1st of June next. This payment from our State is at a very critical period, as while we pay our Interest on the Dutch Loans our Credit will be high in the United Netherlands, and the finances of the United States are utterly inadequate thereto without this aid from us. The Minister of the United Netherlands has been sufficiently impressed with the upright views and friendly intentions of North Carolina in this business, and assures us he will in return render us any Civilities in his power, particularly in endeavouring to establish an Extensive Commercial connection between the two Countries. We have assured Constable, Rucker & Co., that orders would be immediately given by your Excellency to the several Commissioners to have the Tobacco re-inspected, &c., according to the forms of the Agreement; and we have further to add that the Tobacco at Wilmington will be the first called for, a Ship now in Port here being ready to sail for that purpose; as the Credit is to be given on the receipt we request that duplicates May be taken and sent forward from time to time as the Tobacco is delivered. This much as to the transaction and now to our own feelings: we did deem it proper to wait for a short period the arrival of Colo. Ashe, because in all money Matters we well know that republics were invariable jealous, and not being able to trust themselves, would with extreme difficulty be brought to give that credit which should be paid to their faithful Servants, more especially when absent. The affair was urgent and payment of interest must be made at a given period, that period nearest at hand, the Resources of the U. States inadequate

thereto, our National Credit at Stake, and all Bills of Exchange or credit transactions very dubious what was the best to be done; we trust your Excellency will say, and after you our constituents, that which our Delegates have done.

We have the honor to be, with great and sincere esteem,

Dear Sir, Your Excellency's most Obedt. and humble Servts.,

BENJ. HAWKINS,

WM. BLOUNT.

GENERAL EVAN SHELBY TO GOV. CASWELL.

(From Executive Letter Book.)

SULLIVAN COUNTY, March 21st, 1787.

DEAR SIR:

Your Letter and the Packets which you were pleased to forward by your son I have received and the Commissions to the several Counties belonging have forwarded, except those to the county of Greene yet in my hands not well knowing who to direct them to, proclamations have been dispersed accordingly. I have had a Conference with Mr. John Sevier, Governor of the Franklin people; the enclosed is a copy of what was there concluded between him and I. It is Submitted to the Legislature.

The people of Franklin have lately held an Assembly for their State and have passed a Bill for Opening an office for to receive Entries for the Lands included between the French Broad & Tennessee Rivers; also they have laid a Land and Poll Tax on the people. Conformable to the Commission for the Peace Sent up, Court of Pleas, &c., have been held in the Counties of Washington, Sullivan and Hawkins, without any Opposition. Many people are firmly attached to North Carolina, Others are as Obstinate against it; however, it is to be hoped that time and reflection will restore them friendly to North Carolina.

The Animosity arising from difference of opinions in Government among our people here have Run high; to quiet the minds of the People and Preserve the Peace and tranquility till something better could be done, was the reason that induced me to hold a Conference and Conclude on the Articles enclosed. I would be much rejoiced if as you mentioned you would think in earnest to come and live

among us. You might do much here. I have been well till lately, by some means I got a Cold which has given me some uneasiness but hope shortly to be well. You will please to write to me by any Opportunity of Anything Necessary that may occur.

Believe me to be, with most sincere regard,

Your most Obedt. Servt.,

EVAN SHELBY.

P. S. We are in great want of the several Copies of the Acts of Assembly of the State of North Carolina and the Laws enacted by the same for the time Past; we had several in the different Counties but the late disturbance Among the people have caused them to be so laid aside that they cannot be come at, you will therefore please to direct some method by which they may be once more Dispersed over this part of the State. Some Considerable Time Past I returned to the Office Warrants, with the plotts annexed for lands therein mentioned, that the Patents might Pursuant thereto be Issued, but as yet I have received none. You would do me much kindness if you would please to examine why these Patents are not issued According to the returns, and inform me thereof by the next opportunity, or else direct the issuing of the same.

ARTICLES AGREED UPON BY COL. SHELBY AND OTHERS ON THE PART OF NORTH CAROLINA AND JNO. SEVIER & OTHERS ON THE PART OF THE STATE OF FRANKLIN, AT A CONFERENCE HELD AT A HOUSE OF SAMUEL SMITHS, ESQUIRE, ON THE TWENTIETH DAY OF MARCH, 1787, BETWEEN HONBLE. EVAN SHELBY, ESQUIRE, AND SUNDRY OFFICERS OF THE ONE PART, AND THE HONBLE. JOHN SEVIER AND SUNDRY OFFICERS OF THE OTHER PART.

(From Executive Letter Book.)

March 21st, 1787.

Whereas, disputes have arisen Concerning the Propriety and Legality of the State of Franklin, and the Sovereignty and Jurisdiction of the State of North Carolina over the said State and the people residing therein.

The Contending parties from the regard they have to Peace, Tran-

quility & good decorum in the Western Country, do agree and recommend as follows:

First, That the Courts of Justice do not proceed to transact any business in their Judicial departments, Except the trial of Criminals, the proving of Wills, deeds, bills of sales, and such like Conveyances, the issuing of attachments, writs and any legal process, so as to procure bail but not to enter into final Determinations of the suits, except the parties are mutually agreed thereto.

Secondly, That the Inhabitants residing within the said disputed Territory are at full Liberty and Discretion to pay their Public Taxes, to either the State of North Carolina or the State of Franklin.

Thirdly, That this Agreement and Recommendation Continue until the Next Annual sitting of the General Assembly of North Carolina to be held in November next, & no Longer.

It is further agreed, that if any person guilty of Felony be Committed by any North Carolina Justice of the Peace, that such person or persons may and shall be received by the Franklin Sheriff or Gaoler of Washington, and proceeded against in the same manner as if the same had been Committed by and from any such Authority from under the State of Franklin.

It is also recommended that the aforesaid people do take such modes & Regulations, and set forth their Grievances if any they have, and Solicit North Carolina at the Next Annual Meeting of the General Assembly for to Compleat the separation if thought Necessary by the Inhabitants of the Western Country, as to them may appear most expedient, and give their Members or Representatives such Instructions as may be thought most Conducive to the Interest of our Western World, by a Majority of the same, either to be a separate State from that of North Carolina or be Citizens of the State of North Carolina.

Signed and Agreed on behalf of each party this day and year above written.

EVAN SHELBY,
JOHN SEVIER.

A true copy from the Original: John Rhea.

RESOLUTION OF CONGRESS.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS, ASSEMBLED,

March 21st, 1787.

On the report of the Secretary of the United States for the department for foreign Affairs to whom was Referred a letter of the 4th of March, 1876, from Mr. J. Adams Minister Plenipotentiary of the United States of America at the Court of London, together with the Memorial of the said Minister, dated the 30th of November, 1785, & presented by him on the 8th December following to his Britannic Majesty's Secretary of State and the Answer Received by Mr. Adams to the said Memorial and Contained in a Letter from the said Secretary of State dated at St. James, Feb'y 28th, 1786, and other Papers accompanying the same, Congress unanimously agreed to the following Resolutions:

Resolved, That the Legislature of the Several States cannot of right pass any act or acts for interpreting, explaining or Construing a National Treaty or any Part or Clause of it; nor for restraining, limiting or in any manner impeding, retarding or Counteracting the operations & execution of the same; for that on being Constitutionally made, Ratified & Published, they became in virtue of Confederation part of the Law of the Land, and are not only independent of the Will and Power of such Legislature but also binding and obligatory on them.

Resolved, That all Such Acts or parts of Acts as may be now existing in any of the States repugnant to the Treaty of Peace ought to be forthwith repealed, as well to prevent their Continuing to be regarded as Violators of that Treaty as to avoid the disagreeable Necessity there might otherwise be of raising & discussing Questions touching their Validity and obligation.

Resolved, That it be recommended to the several States to make such repeal rather by describing than reciting the said Acts and for that purpose to pass an Act declaring in General terms that all such Acts & part of Acts repugnant to the Treaty of Peace between the United States & his Britannic Majesty, or any Article thereof, shall be and is thereby repealed, and that the Courts of Law & Equity in

all Causes and Questions cognizable by them Respectively and arising from or touching the same treaty shall decide & adjudge according to the true intent & meaning of the same; any thing in the said Acts or parts of Acts to the contrary thereof in any wise notwithstanding.

CHAS. THOMSON, Sec'ty.

JOHN HAYWOOD, ESQUIRE, TO GOVERNOR CASWELL.

(From Executive Letter Book.)

TARBOROUGH, March 22nd, 1787.

SIR:

Your Excellency's Letter of the 28th Ultimo. on the subject of the Public Tobacco by me Purchased I had the honor of receiving on Sunday Evening last. I flatter myself that it is altogether unnecessary for me to assure you of my readiness at all times to pay every attention to this Tobacco, or of my willingness to enter on the Business recommended by your Letter; but it now so happens that it is utterly out of my power from its being Absolutely necessary for me to be at Hillsborough Superior Court, to which place I set out on the morrow; I propose returning in about four weeks, when I will without delay proceed on the Execution of your Instructions with respect to the Tobacco, tho' I confess I am at a loss as to the manner in which it can be properly done, as the Tobacco is almost wholly at Washington where there are no Inspectors, and probably my viewing it would answer no purpose as the Purchaser might not be disposed to rely on my word; in that case this business must be again done when the Expence, which will be very Considerable, would be double. However, as to the mode of transmitting this Business so far as they respect the re-inspection of the Tobacco, I must request your Excellency's further directions which shall be carefully Complied with.

Be pleased to make an offer of my best Respects to Mrs. Caswell, Accept them yourself, and Believe me, with the purest Sentiments of respect and Esteem,

Your Obedient Servant,
J. HAYWOOD.

RESOLUTION OF CONGRESS REGARDING A REDUCTION IN THE
CIVIL LIST.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

March 23rd, 1787.

On the Report of a Committee appointed to Consider the Reductions necessary to be made in the Civil List department: Whereas, the present deranged condition of the National revenues and the Numerous Demands on the Federal Treasury are not only Considerations of the most Serious weight and Importance, but justly operate as powerful Motives in favour of every Economical reform which can with safety be adopted in the public Expenditures.

Resolved, That the Sum to be Allotted to the support of the household of the President of Congress, Including the Salaries of the Steward and Private Secretary, House rent and all other Expences, shall not exceed a sum at the rate of Eight Thousand Dollars annually.

Resolved, That the Salaries of the following Officers be reduced, and that from and after the present quarter, the annual Salary of the Secretary of Congress be at the rate of Two Thousand, six Hundred dollars. That of the Secretary of the United States for the department of Foreign Affairs, at the rate of three Thousand five Hundred dollars. That of each of the Commissioners of the Board of Treasury, at the rate of Two Thousand Two Hundred and fifty dollars. That of the Secretary of the Board of Treasury, at the rate of fifteen Hundred dollars. That of the Treasurer, at the rate of Twelve Hundred and fifty dollars. That of the Comptroller of the Secretary, at the rate of Fifteen Hundred Dollars. That of the Auditor at the rate of Eight Hundred dollars. That of the Deputy Secretary of Congress at the rate of Eight Hundred dollars. That of the Deputy Secretary of Foreign Affairs, at the rate of Eight Hundred dollars. That of the Steward of the President's Household, at the rate of three Hundred dollars; and that of the Geographer, at the rate of fifteen Hundred dollars for such time as he may be actually employed in the public service.

Resolved, That the services and duties of the Pay Master General

be, and hereby are United with those of the Commissioners of Army accounts, and that each of the said Commissioners, after the expiration of the present Quarter, be allowed in full for his services as Commissioner and Paymaster General a Salary at the rate of Twelve Hundred and fifty dollars Annually.

Resolved, That in no Case, after the Expiration of the present quarter, there be allowed to any person employed as an Assistant or Clerk in any of the Departments under Congress, a Salary exceeding the rate of four Hundred and fifty dollars Annually; and that no doorkeeper or Messenger, except those of Congress, be allowed more than One Hundred and Fifty dollars annually.

Resolved, That from and after the present quarter there be Annually allowed to each of the Commissioners of the Continental Loan Office, in full for all Services and duties which are or may be Annexed to their respective offices and also in full for Office rent, Clerks and every other Charge, Except that of Stationery, at the Rate of the following sums:

For New Hampshire—Six Hundred & fifty dollars;

Massachusetts—Fifteen Hundred dollars;

Connecticut—One Thousand Dollars;

New York—One Thousand Dollars;

Rhode Island—Six Hundred Dollars;

New Jersey—Seven Hundred Dollars;

Pennsylvania—Fifteen Hundred Dollars;

Delaware—Six Hundred dollars;

Maryland—One Thousand dollars;

Virginia—Fifteen Hundred Dollars;

North Carolina—One Thousand Dollars;

South Carolina—Eight Hundred dollars;

Georgia—Six Hundred dollars.

Provided, That in those Cases where in the Judgment of the Board of Treasury, the public Interest may require the employment of one or more Clerks in any of the Loan Offices at the Public Expence, the said Board be and Hereby are Authorized to Continue in Employ such Clerk or Clerks not Exceeding the Term of Three Months after the Expiration of the present Quarter.

CHAS. THOMSON, Sec'y.

COL. JAMES MARTIN TO GOVERNOR CASWELL.

(From Executive Letter Book.)

CHOTAYE, March 25th, 1787.

SIR:

At my arrival in this place I found the Indians in greater Confusion than I had ever seen them before, Owing in part to Col. John Logan's Expedition against them, together with daily encroachments of the Franklinites on their Lands; they have Actually Opened a Land Office for every acre of Land that the Legislature of North Carolina Ceded to them North of the Tennessee, which Includes Several of their principal Cornfields, and Part of their Beloved Town Chota & the whole Town of Neal, a new settling on the Banks of the River. About forty of their young Men had set out for war before my arrival, as they say to take satisfaction for some of their friends that was killed by Col. Logan, some of which has Returned; they killed a family on Cumberland and some attempt was made on the Traders, one of which was killed; several others lost their property. I this day finished a Talk with them a Copy of which I enclose to your Excellency; three letters have been lately brought to the different Towns and rec'd from the French at the Mussle Shoals, Which Informed the Indians the English, French and Spanish have actually joined to carry on war against America; that the Americans have Stopt their trade from Detroit by seizing several of their Boats on the Mississippi, that they will not undertake to furnish them in the future with anything but Guns, Knives, Tomahawks, Ammunition, them Articles they shall have plenty; the Cherokees inform me the Creeks are now preparing forward, that a large number of the Northern Indians are also preparing which are to set out from Detroit this Spring. I yesterday rec'd a Talk from the Chickasaws a Copy of which I also Inclose. Various are the Conjectures of the Traders Respecting of war with the Cherokees, my opinion is that there will be a great deal of mischief done if not a open war, unless the Franklinites can be removed off their land, which I am well assured cannot be done without an armed force.

Every Assurance worth notice I shall send your Excellency without delay. I set out Tomorrow, to take a Tour through the Different

Towns & try to lay hold of the above mentioned Letters Which I shall send also.

I have the honor to be, with great respect,

Your Excellency's most humble & most Obedt. Servt.

JOSEPH MARTIN.

N. B. The Tennessee business is laid over till July next at which time hope Colo. Glasgow will attend, I must beg that your Excellency will send Col. Cleveland on the occasion.

COL. ANTHONY BLEDSOE TO GOVERNOR CASWELL.

(From Executive Letter Book.)

HOLSTON, GENERAL SHELBY'S, March 26th, 1787.

DEAR SIR:

Your Excellency's favor of the 27th of Feb'y was handed me yesterday by the General. My desire of seeing Major Evans and his Troops set forward on their Business with some other has detained me in this Country and am anxiously waiting their arrival. The Act of Assembly having made no provision for pilots for the Road, Major Evans finds himself much embarrassed in that point, and as I had the Opening the road much at heart have taken on me to procure & engage persons as pilots & have wrote to the Cherokee Chiefs Requesting them to recommend and send in an Indian well Acquainted with the Country through which the road must pass, & requested that Col. Martin will assist in procuring such a one. I have understood the Cherokees will have Objections to the Roads passing their Country. I have assured them nothing is intended against their Interest or Safety, and it is intended to be done purely for the Convenience, ease & Safety only of those that mean to emigrate to the Cumberland Settlements.

I shall forward the Duplicate of your Leter to Mr. Gilvary from this place by way of the Cherokee Nation as at this time I have a favourable opportunity. Politics in this part of the country run high, you hear in almost every collection of people frequent declarations for North Carolina, and others in the manner for the State of Franklin; I have seen it in much warmth. The Franklin Assembly have passed their Act to punish by imprisonment any person that shall Act in the Commission of Peace, or other Civil office under the

assumed Authority of North Carolina. God only knows where this condition will end, I fear it will end in blood. I received account from Cumberland dated in the present Month Mentioning that no Hostilities has been Committed in that Quarter since I mentioned to your Excellency from Hillsborough on my way out, though scarce a week passes but some one or more are killed at the Kentucky. All accounts say that all the Northward Tribes is determined for war the ensuing Summer. A long ridiculous piece without any signature has taken place in some of the papers, said to have been written by a General at the fall of Ohio to his friends in some of the Northern States, as if it's the spirit of the people to revolt and fling themselves in the arms of Britain; these publications are prejudicial to the people in the Western Country and are in the greatest part false & groundless. I judge the goods at Port St. Vincent is seized and probably those at Illinois.

I shall at all times take a pleasure in communicating to your Excellency every Intelligence that I shall judge worthy your notice, and shall think myself honored with any thing you think proper to Communicate, & shall always honor every Instruction your Excellency shall Give.

While I have the honor to be, Yr. Excellency's

Most Humble & Most Obedt. Servt.,

ANTHONY BLEDSOE.

HONBLE. CHAS. THOMSON TO GOVERNOR CASWELL.

(From Executive Letter Book.)

OFFICE OF THE SECRETARY OF CONGRESS,

March 31st, 1787.

SIR:

I have the honor of transmitting to your Excellency herewith enclosed an Act of the United States in Congress Assembled, passed the 2d, for reducing the Public Expenditures, and a state of the representation for the present Month,

And am with the Greatest respect,

Your Excellency's most Obedient and most Humble Servant,

CHAS. THOMSON.

COLO. THOMAS HUTCHINS TO GOVERNOR CASWELL.

(From Executive Letter Book.)

HAWKINS COUNTY, the 1st April, 1787.

SIR:

I received your Excellency's of the 27th Feb'y, 1787, with the enclosed papers and others forwarded. In Compliance with the Contents I give you a State of the proceedings in this quarter, as you Signified a desire to know how the Laws and a return to the Old Government Set on the minds of the people; I find in the County of Green the People are much Divided, in the other three Counties about two thirds much pleased with the Laws and a Return to the Old Government; the Commissions and Appointments Generally received. The People on the Indian Hunting Grounds I learn are very Obstinate & suppose will pay little or no respect to your Excellency's Proclamation for their Removal. The Franklin party yet persist, & Seems to Impede the Progress of Civilization & retard the Operation of the most Salutary Laws; they Have lately held an Assembly & passed several Acts & seem Vigorous in Executing them. They have opened an Office for the Land South of French Broad to the Banks of the Tennessee River, the Land is to be sold at forty Shillings per hundred Acres, ten Shillings in hand and two Years Credit for the other Thirty Shillings; this United the Inhabitants of those Lands to their party, and in order to frighten others into Compliance with them have passed an Act to Fine and Imprison any Person who shall dare to Act under the Authority of No. Carolina for the first offence five pounds, a second offence ten pounds & a year's imprisonment and the Governor at discretion to summon a Guard over them which Guard are to be paid out of the property of the Offender. They have also impowered the Governor to raise the Militia to oppose the operation of the Laws of No. Carolina, who are now enlisting, and giving 400 Acres of Land Bounty, this is under a Couler of Guarding the Frontiers; should they offer any insults to the Civil Authority I expect it will be difficult to prevent an Effusion of Blood. I think your Excellency will readily see the Necessity of the interference of Government and unless those people are entitled to Exclusive and separate Immoluments from the rest of the Community, they Ought certainly to be Quelled. If we are in our Allegiance protection

ought to be reciprocal, I therefore give it as my opinion that it is highly necessary that Notice should be taken of the Conduct of those people as there are many plans and Matters agitated by them which seem to have a tendency to dissolve even the Federal Bands; Several Letters I have in my possession which can be spoken of no other way. A few lines from your Excellency with your advice and Instructions how to Conduct myself in this unhappy Dilemma would be most Thankfully Received.

I have the honor to be, Your Excellency's
Most Obedient and Humble Servt.,
THOS. HUTCHINS.

THE NAVAL OFFICER OF PORT BATH TO GOVERNOR CASWELL.

(From Executive Letter Book.)

BATH, 2nd April, 1787.

May it please your Excellency:

You have herewith Inclosed two Copies of the Exports from Port Bath for the Year 1785-'86. According to your Order the Third Copy I should have made, but had not paper Suitable for that purpose, but shall send it in a Short Time.

I am with Esteem, Your Excellency's
Most Obedient Servant,
WM. BROWN.

LIEUTENANT THOMAS'S RESIGNATION.

(From Executive Letter Book.)

HILLSBOROUGH, April 2'd, 1787.

SIR:

I am Sorry my Business in the Western Country obliges me to forego the happiness I promised myself in Serving under you as Lieutenant in the Cumberland Batallion. You will receive my Commission inclosed in this Letter.

I am, your Humble Servt.,
RICH'D THOMAS.

COL. POLK REQUESTING A WARRANT FROM GOVERNOR CASWELL.

(From Executive Letter Book.)

May it please your Excellency:

On my receiving a Commission from you to attend Congress in November next it put me in mind I should stand in need of hard money, And I find it is not easy to be got. The law in South Carolina being stopt for some time puts it out of my Power to recover Money in that State & being so far from the said Board I Cannot have any Remittances made that way. I must therefore call on your Excellency, if Consistent with the duty of your Office at so early an hour, to send me a warrant for the Sum allotted me for that Service by Major John Nelson who will return by Hillsborough, and will be able to inform me when to send to the Treasurer for the Contents of the Warrant. I am with Respect,

Your Excellency's Obedt. Servt.,
THOS. POLK.

Charlotte, 3rd April, 1787.

COLONEL J. WHITAKER TO GOVERNOR CASWELL.

(From Executive Letter Book.)

HALIFAX, 3rd April, 1787.

DEAR SIR:

Your favor enclosing the Articles of Agreement for the disposal of the Public Tobacco, I Received. Likewise your Letter informing me of the arrival of Mr. Robert Stewart the Agent on the part of the Purchaser. I am Extremely Concerned that it has not been in my power to have any of the Tobacco Re-inspected. I was a few days ago at Rion's and Lockhart's warehouses near the mouth of Roanoke where the whole of the Tobacco purchased by me is stored, and it was out of my power to have any re-inspected, there being no proper Inspectors below as I could find. Endeavoured then to prevail on the Inspectors of Halifax, got the promise of but one. When below employed persons to erect poise post, &c., that as soon as I could get persons for Inspections it might be done as Exeditiously as possible; as far as could be discovered it appears entirely secure. I flatter myself that it will be effected in a very short time if the To-

bacco is as good as I expect from its situation. If your Excellency will be pleased to advise me on this head shall be better able to Conduct myself as I am at a very Great loss at present and extremely anxious to have the Tobacco in Readiness. As there may not be detention of Vessels on my part permit me to suggest to your Excellency a hint which you will reject or improve as you may think proper. The County Court of Halifax sets next week, Should you think advisable that the inspectors might be appointed there I believe there might be persons of Credibility got to Attend. It strikes me from reading of the third Article of the agreement made by the Delegates of this State & the Purchaser that the Agent on the Part of the Purchaser Ought to be present when the Tobacco is Inspected. If so it is possible that we might agree on proper persons as Inspectors, as I intend to deliver the Tobacco in person & what ever may be advised me by your Excellency on this head shall be carried into effect with all possible dispatch, By your Excellency's Most Obedt. & very Humble Servt.,

J. WHITAKER.

MICHAEL PEYNE, ESQ., TO GOV. CASWELL.

(From Executive Letter Book.)

EDENTON, April 5th, 1787.

SIR:

According to your request I have made out two copies of the Exports from Port Roanoke, I hope they are drawn out so as they will answer the purpose you intended them.

I am, with Great Respect, your
Excellency's Most Obedt. Servt.,
MICH. PEYNE.

JOHN SEVIER, ESQR., TO GOVERNOR CASWELL.

(From Executive Letter Book.)

JONESBO', 6th April, 1787.

SIR:

I was favored with yours of the 23rd of February in which your Excellency was pleased to favor me with a detail of the proceedings

of your Assembly. I must own before their Rising I had the fullest hopes & Confidence that body would have either agreed to the separation on Honourable Principles & Stipulations, Otherways Endeavoured to have Re-united us upon such terms as might have been lasting & friendly; but I find myself and Country entirely deceived and if your Assembly have thought their Measures would Answer such an End they are Equally Disappointed, but I firmly believe had proper Measures been Adopted a re-union in some measure, perhaps fully, would have taken place. We shall continue to Act as Independent and would rather Suffer death in all its Various and frightful shapes than Conform to any thing that is disgraceful.

I have the honor to be, Sir, Your Excellency's,

Most Obed't Humble Servt.,

JOHN SEVIER.

COL. ROBERT ROWAN TO GOVERNOR CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, April 10th, 1787.

SIR:

Lest your Excellency should not yet have received the dispatches from the Delegates in Congress Respecting the sale of the Public Tobacco I take this opportunity of informing you that on Sunday last I received by the way of Wilmington a Copy of the agreement entered into by the Honorable Wm. Blount & Benj. Hawkins, Esquires, with Constable, Rucker & Co., of New York, for the Tobacco at the rate of Twenty-six Shillings & Eight Pence per hundred nett weight at the time of delivery, which delivering is to commence in thirty days from the 19th March, date of the Agreement, and only six days notice to be given to the Commissioners or Agent. I think the time very short as it is all to be delivered Re-inspected & Re-weighed & no doubt the person receiving will wish to see it done that he may judge himself of the Quality. So that what I have done here at a Considerable Expence will be to do over at Wilmington again. I never could procure freight till now of what remained here, as I informed your Excellency some time ago. Forty Hhds. goes off re-inspected and in Good Shipping order in the morning, but it has suffered so much damage in this warehouse that the putting it in proper order takes up a great deal of time. The merchants here think

it was sold too low as some of them are now giving three and a half hard dollars per Ct. for new Tobacco which is not so good and I am Confident what is here might have been sold at that price if not more. I shall be ready at Wilmington by the Time the delivery of the Tobacco is to Commence and what is here shall be hurried off as fast as it can be put in shipping order; the Inspectors never could attend to it till now the hurry of Country Tobacco has been so great. Should you wish to give me any Instructions I shall be at Wilmington on Sunday next.

I have the honor to be Your Excellency's

Most Obedient Servant,
ROBERT ROWAN.

HONORABLE CHAS. THOMSON TO GOVERNOR CASWELL.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,

(Circular.)

April 13th, 1787.

SIR:

I have the honor of transmitting to your Excellency herewith enclosed, sundry resolutions passed by the United States in Congress Assembled, Respecting the Treaty of Peace between the United States of America and Great Britain. And also a Letter to your Excellency this day unanimously agreed to in Congress on the same subject.

With the greatest respect I have the honor to be,

Your Excellency's most Obedt. & most humble Servt.,
CHAS. THOMSON.

Extracts of Letters from the Honble John Adams, the Minister Plenipotentiary of the United States at the Court of London, to Mr. Jay.

(From Executive Letter Book.)

GROSVENOR SQUARE, 10 April, 1787.

An honest tradesman, whose name is Carpenter, and ingenious Engraver, lately came to me from the remotest part of the City to

give me information that an unknown Scot had applied to him to engrave a plate for striking the Paper Bills of North & South Carolina, Carpenter went round to all the Engravers in Town and found another to whom the same person had applied.

There is a Vast Sum in Circulation here of base Copper to the amount of several Hundred of thousand pounds. Very lately these half pence are refused everywhere, I suppose in consequence of some concerted Scheme, and it is supposed that they will be all purchased for a trifle and Sent to the United States. The separate States would do well to prohibit this false money from being paid or Received.

GROSVENOR SQUARE, 30th April, 1787.

Upon the receipt of the first enclosed Letters from Dr. Wren & McMorobray by express, I made Application to Government. Lord Sidney was absent and Lord Carmer then Sick, but Mr. Fraser, the under Secretary of State, took up the Subject with Integrity and politeness. He discovered a real Desire to do every thing the Laws would permit to crush in the beginning this villainous attempt to Counterfeit American Paper Currency, he told me that a parallel complaint had been made lately of an attempt to Counterfeit the Bank notes of Denmark and that upon consulting their most experienced Majistrate and Law Officers they were all of opinion that untill the Counterfeit was Compleated and the Names signed, it could not be a Capital Crime, though an attempt might be a misdemeanor. He advised me to advise with Sir Sampson Wright the most Considerable Majistrate in Westminister, Sir Sampson engaged in the Business with Particular attention and agreed to write to Sir John Carver, Portsmouth. Upon the whole it seemed to be Necessary that some one should go to Portsmouth & as Col. Smith set out on the 24th of this Month for ————— I asked Mr. Cutting to accompany me to Portsmouth. We had the man brought out of prison to our Lodgings, his name he says is Robert Muir, born in Scotland, but lately arrived from North Carolina. He is an Artful, Shrewd fellow, but with a mean hungry desperate appearance. We wished to discover his accomplices but he would not answer. The Grand Jury found a Bill and at my desire the man is continued in Prison till next Term in July. His Types & Stamps & Implements are well Secured. In July however, he will be set at liberty for the Crime

could not be complete without the Signature, if it could without passing the Bill.

It is with very high pleasure that I am able to say that the Government & the Majistrate, both here & at Portsmouth, have upon this Occasion Conducted with Perfect Propriety & Politeness. The crime is said to be an offence against the Law of Nations, against commerce, against Private & Public Property, against the whole World, and all this is true; but still the Laws are so vague in this Case, and every Punishment Short of Death in such a Crime in this Country would be treated with Ridicule, it may be most prudent to dismiss the fellow in July, destroying or at least detaining his Implements. I suppose this is the same Scot who a few weeks ago applied to a Mr. Carpenter, an Engraver in London to Engrave a Plate for him, of which Carpenter had the honesty to inform me as you have been told in a former letter.

DR. WREN TO THE HONBLE MR. ADAMS.

(From Executive Letter Book.)

PORTSMOUTH, 22nd April, 1787.

I had the honor of receiving your favour this Morning and have now to add to the former Intelligence that the man who had solicited Mobray to assist in a Forging is in Custody in our Town Gaol, he went to Mobray repeatedly on Saturday Evening, and was so urgent to have some Notes worked off that he proposed their working all night, for he fixed on going to assist Mowbray saying that he had some Little Knowledge of the Business, (tho' he appeared in the Habit of Seamen) and added that they must take off a thousand Copies of Such Carolina Notes before Morning & indeed he always spoke of the Notes, Number wanted in this large way. Sir John Carter the brother of William Carter, being come home from a Journey had him apprehended & examined and this matter will now be transacted before Sir John (so far as it can be transacted) as he is the Mayor of the Town. The man says his name is Moore, or rather I think Muir, & and that during the last war he sailed out & in as belonging to an American Port. He was Short & Shy in his answers, but pleaded his cause before Sir John with a language and Sagacity much beyond his Appearance, saying that he could not see

what the Majistracy of this Country had to do with his Proceedings, as it effected only the country beyond the Atlantic. He offered to deliver up all his papers, Types & Implements, provided they would burn and destroy them before him and set him at Liberty. This was not granted him and his papers that were found about him are all in the possession of Sir John or Mowbray, & will remain, Sir, for your directions. He says he has for these few days lodged at Mrs. Darts on Portsmouth common which is Suburb to this Garrison, so large that Mrs. Dart is not yet discovered tho' it is probably She may; if any more papers are found at his Lodgings they will be kept with the others. This man has not been Rambling about the Country to meet with a Printer whose appearance he should like, but he came down from London and directly to Mowbray, a Man of Considerable abilities in his trade, & when a small piece of Border Block is wanting he engages to have it down from London in two days, which is as soon as any person could have it and Proves that it was in London ready cut. It is evident to me that he has several associates in London and that he is aiming to be a large dealer, both which Circumstances should, I think, Excite the Attention & Enquiries of our Government. From the Number and Variety of the Notes of the United States which he had in his possession & the large Edition which he meant to Print I think it is probable that he has been employed in America in some Branch of that Department in which he now manifests but too much skill. He is not a Sailor by profession. Care is taken that he does not want good sufficiency of Provisions, but he is not allowed Pen, Ink or Paper, nor any Visitor whatever, except the head Gaoler. Mr. Mowbray was to have sent me up an account left with him, or found on the Man, but if it does not come soon I must Omit sending it till next Post. P. S. Mowbray has sent his paper. Moor, Mure or Muir is a tall, thin man, 5 feet 9 inches high, with dark brown hair tied behind; Native of Scotland, he came from Charlestown in South Carolina in January last in the Ship John, Saml. Purchase, Master, & arrived in London in March; says he was cook of the Vessel but this doubted. Copy of a paper received by Dr. Wren from Mr. Mowbray and mentioned in the Postscript of the preceding Letter.

Ten different wood cuts, which together form the Borders of two notes of North Carolina currency, one of one pound, the other 5 shillings. A quantity of Metal Flowers cast by Mr. William Caslon, Letter

Founder, Bleiswell Street, London, which will make the same Impression as on the reverse side of the above & other Notes which he wanted to have Counterfeited. The following is a Copy of Mr. Caslon's Bill found on the person.

London, April 12th, 1787. Bought of Wm. Caslon.

2lb 8 oz of Great Primer Flower @1st per lb.....	2 6
3lb 13. Small Primer, 1s 2d.....	4 5½
2lb 15 Long Primer, 1s 6d.....	1 5
9 Brevier, 2s 6d.....	1 5

Rec'd for Wm. Caslon.....12 9½

E. WHITE.

Part of the Long Primer Flowers having been much used supposed to be taken from some printing office, a Card on which are fixed specimen cuts from the originals of the ornament required to go around the reverse sides of the Notes, and Original 5 shillings (suppose Note) North Carolina Currency, the Subscribers Names Obliterated.

Another Ditto No. 17459 Signed J. Hunt, B. McCulloch.

A Six penny Note signed J. Hunt, No. 1356.

A five Shilling Charleston note, No. 3004, Subscribers Names cut out.

A 2 shilling note, No. 11849, Signed J. Hunt & B. McCulloch.

A 20 Shilling Note.

They appear to be all printed by Thomas Davis of Halifax.

MR. WALLER MOWBRAY TO THE HONBLE MR. ADAMS.

SIR:

As the intelligence I am to communicate is in my opinion of the highest consequence to the Mercantile Interest of America I presume any apology for the Freedom I take in writing to your Excellency is unnecessary.

The Discovery I am to make is an Intended Forgery of the paper Currency of America so ingeniously executed as to elude Discovery. One of the persons concerned in this nefarious Business has applied

to me to print off a considerable Number of Notes of different Provisions. I give him such an answer as inclined him to believe I would comply with his request, that I might have it in my power to destroy in Embryo, a Scheme artfully calculated to invade private property & materially injure the Credit of a commercial Nation. He went away satisfied and returned in a few hours with a wood cut of one of the Notes, an exact copy of the Original, and Metal Corners precisely the same as those on the reverse side; he had sundry other Notes with Metal ornaments which he also wanted impressions of. He is meanly dressed as a Sailor & apparently ignorant, but his Habit and Conversation have the appearance of Disguise. There is no doubt but he has Accomplices in London, for on Discovering a deficiency of two Articles in the Border of a Note, of which he wanted 1,000 Copies, he informed me he would send to town for them. The wood cuts & Metal Borders are so nicely imitated as to render a Discovery of the Forgery extremely Difficult.

I am Sir, Your Obdt. Servt.,

WALLER MOWBRAY.

GOVERNOR CASWELL TO THE HONBLE. ALEXANDER MARTIN.

(From Executive Letter Book.)

KINSTON, April 11th, 1787.

DEAR SIR:

Your Letter of the 1st Inst. is just at hand. Winston is returned but with a small sum in Cash, I have however exchanged some. Mr. Spaight is in as disagreeable a situation with regard to Cash as myself, he is to be here to-morrow when the Council is appointed to meet, we shall then determine whether he or myself or both are to go on the Convention; Dr. Williamson is appointed instead of Mr. Willie Jones and will go on, Congress have recommended by resolve, a Convention to be at Philadelphia for the same Purpose the second Monday in May, this I suppose will be the same Generally acceded to by the deputies; the first of May will be in that case Time enough for us to set out. Mr. Speight thinks the allowance not sufficient as 'tis probable the Convention may sit longer than we at first apprehended & as we are to acc't he thinks with me, that 'tis best to draw one months further allowance, least we should be stinted as he was at Congress & obliged to run in debt, I have therefore enclosed you

a Warrant for one months further allowance & as I presume you will not set out as soon as you mentioned you may have time to collect it. If I do not go forward I will do myself the pleasure of writing you frequently and shall always be happy in hearing from you & particularly on the subject of your deputation. I have forwarded Testimonials under the seal of the State to the papers relating to estates of Messrs. Farleys.

The Bearer cannot be prevailed upon to wait the determination of the Council, otherwise you should be more certainly informed of my going or stay, but I will if opportunity offers in any short Time write you further.

With the greatest Respect and Esteem.

I am Dr. Sir, Your most Obedient & very humble Servant,
R. CASWELL.

GOVERNOR CASWELL'S MESSAGE TO THE HONBLE. THE COUNCIL.

(From Executive Letter Book.)

Mr. President — Gentlemen of the Council:

I lay before you a file of papers on which you did not think Proper to determine at your last meeting, but deferred for the Consideration of a full Board.

Also the following which have come to hand since, viz:

A Petition in favour of John Wallis for Horse Stealing;

A Petition in favour of Jas. Conner for a similar offence;

A Petition in favour of Richard Mattony also for horse stealing.

A Memorial from the Commissioners of Wilmington respecting an Embargo.

Report of a Court Martial in Craven on the Case of Capt. Roach, Genl. Armstrong will be able to give the fullest information on this business; a Letter from Genl. Polk requesting a warrant for his allowance as delegate to Congress for next year.

A Petition in favour of John McNees;

Do in favour of Mann Phillips;

Do in favour of James Holmes;

Do in favour of John Price;

I have granted Warrants to the Deputies appointed to attend the Convention proposed to be held in Philadelphia in May next for

three months allowance, they are to acco't for what they respectively receive, it is suggested that this sum may not be sufficient, will you advise Warrts. to issue for one month more. I am considerably in advance for public Expresses and the exigencies of the State particularly respecting the public Tobacco which is sold by the Delegates in Congress and Contracted to be delivered, re-inspected, within very short period as you will by the contract and communications on that head laid before you perceive such must be immediately employed.

Will you advise a warrant to issue in favour of my Secretary for a Sum not exceeding one hundred pounds to defray such expences to be accounted for.

R. CASWELL.

Kinston, 14th April, 1787.

AUTHUR ST. CLAIR, PRESIDENT OF CONGRESS, TO HIS EXCELLENCY
GOVERNOR CASWELL.

(From Executive Letter Book.)

IN CONGRESS, April 13th, 1787.

SIR:

Our Secretary for Foreign Affairs has transmitted to you Copies of a Letter to him from our Minister at the Court of London of the 4th Day of March, 1786, And of the Papers mentioned to have been enclosed with it. We have deliberately and dispassionately examined and Considered the several facts & Matters urged by Britain as infractions of the Treaty of Peace on the Part of America, and we regret that in some of the States too little attention appears to have been paid to the Public Faith Pledged by that Treaty.

Not only the obvious dictates of Religion, Morality, and National Honor, but also the first principles of good policy demand a Candid and punctual Compliance with engagements Constitutionally and fairly made.

Our National Constitution having committed to us the management of the National concerns with foreign States and Powers, it is our duty to take care that all the rights which they ought to enjoy within our Jurisdiction by the Laws of Nations, and the faith of Treaties remain inviolate, and it is also our duty to provide that the

essential interest and peace of the whole Confederacy be not impaired or endangered by deviations from the line of public faith into which any of its Members may from whatever cause be unadvisedly drawn. Let it be remembered that the thirteen Sovereign States have by express delegation of power formed & vested in us a General, though limited Sovereignty, for the General & National purposes Specified in the Confederation.

In this Sovereignty they cannot severally participate except by their Delegates nor with it have concurrent jurisdiction, for the 9th Article of Confederation most expressly conveys to us the Sole and exclusive right & power of determining war & peace and of entering into Treaties and alliances, &c.

When therefore a Treaty is Constitutionally made, Ratified and Published by us, it immediately becomes binding on the whole Nation and Superadded to the Laws of the Land without the intervention of State Legislatures. Treaties derive their obligation from being Compacts between the Sovereignty of this, and the Sovereignty of another Nation; whereas, the Laws or Statutes derive their force from being Acts of a Legislature Competent to the passing of them. Hence it is clear that Treaties must be implicitly received and observed by every member of the Nation, for as State Legislatures are not competent to the making of such compacts or Treaties, so neither are they competent in that capacity Authoritatively to decide on, or ascertain the construction or the sense of them. When doubt arises respecting the Construction of State Laws it is not unusual nor improper for the State Legislatures by explanatory or declaratory Acts to remove those doubts, but the case between Laws & Compacts or Treaties is in this widely different for when doubts arise respecting the sense and meaning of a Treaty they are so far from being Cognisable by a State Legislature that the United States in Congress Assembled, have no authority to settle & determine them. For as the Legislature only which constitutionally passes a Law has power to revise and amend it, so only the Sovereigns who are parties to the Treaty have power by mutual consent & posterior Articles to correct or explain it. In Cases between Individuals all doubts respecting the meaning of a law are in the first instance mere judicial Questions and are to be heard and decided in the Courts of Justice having cognizance of the Causes in which they arise, & whose duty

it is to determine them according to the Rules and Maxims established by the Laws of Nations for the interpretation of treaties. From these principles it follows of necessary consequence that no individual State has a right by Legislative Acts to decide and point out the sense in which their particular Citizens and Courts shall understand this or that Article of a Treaty. It is evident that a contrary doctrine would not only Militate against the Common & Established Maxims and ideas relative to this subject, but would prove no less inconvenient in practice, than it is irrational in Theory; for in that Case the same Article of the same Treaty might by law be made to mean one thing in New Hampshire, another thing in New York, and neither the one nor the other of them in Georgia. How far such Legislative Acts would be Valid and obligatory even within the Limits of the State passing them, is a question which we hope never to have occasion to discuss. Certain however, it is, that such Acts cannot bind either of the Contracting Sovereigns, and consequently cannot be obligatory on their respective Nations. But if treaties & every Article in them be binding, as they are and ought to be on the whole Nation, if Individual States have no right to accept some Articles and reject others, and if the impropriety of State Acts to interpret and decide the same and Construction of them be apparent; still more manifest must be the impropriety of State Acts to control delay or modify the operation and execution of these National Compacts. When it is considered that the several States Assembled by their Delegates in Congress have express powers to form Treaties.

Surely the Treaties so formed are not afterwards to be Subject to such Alterations as this or that State Legislature may think expedient to make and that too without the Consent of either of the parties to it, that is in the present Case without the Consent of all the United States who Collectively are parties to this treaty on the one side, & his Brittanic Majesty on the other; were the Legislatures to pass and exercise such powers we should soon be involved as a Nation in Anarchy & Confusion at home, and in disputes which would probably terminate in hostilities and war with the Nations with whom we may have formed treaties; instances would then be frequent of Treaties fully executed in one State and only partly executed in another one of the same Article being executed in one Manner in one State and in a different manner or not at all in another

State. History furnishes no precedent of such liberties taken with Treaties under form of Law in any Nation. Contracts between Nations like Contracts between Individuals should be faithfully executed, even though the Sword in the one Case and the Law in the other did not Compel it. Honest Nations like honest men require no constraints to do Justice; and though impunity and necessity of affairs may sometimes afford temptations to pare down Contracts to the measure of Convenience, yet it is never done but at the expence of that esteem and confidence and credit, which are of infinite more worth than all the momentary advantages which expediency can extort. But although contracting nations cannot be compelled like individuals, acts incompatible with it must in every point of view be improper; such acts do nevertheless exist, but we do not think it necessary either to enumerate them Particularly or to make them severally the Subjects of discussion. It appears to us sufficient to observe and insist that the Treaty ought to have free Course in its operations and execution and that all obstacles interposed by State Acts be removed.

We mean to Act with the most Scrupulous regard to Justice and Candor towards Great Britain & with an equal degree of delicacy, Moderation & decision towards the States who have given occasion to these discussions. For these reasons we have in general terms Resolved, "That all such Acts or Parts of Acts as may be now existing in" any of the States repugnant to the Treaty of Peace ought to "be forthwith repealed as well to prevent their Continuing to be regarded as Violations of that Treaty as to avoid the disagreeable Necessity there might otherwise be of raising & discussing Questions touching their Validity & obligations." Although this Resolution applies strictly only to such of the States as have passed the exceptionable Acts alluded to, Yet to obviate all future disputes and Questions, as well as to Remove those which now exist; we think it best that every State without exception should pass a law on the subject.

We have therefore "Resolved, That it be recommended to the several States to make such repeal rather by describing than reciting the said Acts, and for that purpose to pass an Act declaring in general terms that all such Acts & parts of Acts repugnant to the treaty of Peace between the United States and His Britannic Majesty, or any article thereof shall be and thereby are repealed, and that the courts of Law & Equity in all cases and questions cognizable by them respectively, and arising from or touching the said Treaty shall decide and

adjudge according to the true intent and meaning of the Same, any thing in the said Act or parts of Acts to the contrary thereof in any wise notwithstanding." Such Laws would answer every purpose and be easily formed, the more they were of the like Tenor throughout the States the better. They might each Recite that, "Whereas, certain Laws or Statutes made and passed in some of the United States are regarded & complained of as repugnant to the Treaty of Peace with Great Britain, by reason whereof not only the good faith of the United States pledged by that Treaty has been drawn into question, but their essential interest under that Treaty greatly affected. And whereas, justice to Great Britain as well as regard to the Honor and Interest of the United States, require that the said treaty be faithfully executed and that all obstructions thereto, and particularly such as do or may be construed to proceed from the Laws of this State be effectually removed. Therefore be it enacted by, and it is hereby enacted by, the authority of the same, that such of the Acts or parts of the Acts of the Legislature of this State as are repugnant to the Treaty of Peace between the United States and His Britannic Majesty, or any Article thereof, shall be and hereby are repealed; and further, that the Courts of Law & Equity within this State be and they hereby are directed and required, in all Causes & Questions cognizable by them respectively, and arising from or touching the said Treaty to decide and adjudge according to the Tenor, true intent and meaning of the Same; Anything in the Acts or parts of Acts, to the Contrary thereof in any wise Notwithstanding." Such a general law would, we think, be preferable to one that should minutely enumerate the Acts and Clauses intended to be repealed, because omissions might accidentally be made in the enumeration or questions might arise and perhaps not be satisfactorily determined respecting particular Acts or Clauses about which Contrary opinions may be entertained; by repealing in General terms all Acts & Clauses repugnant to the Treaty the business will be turned over to its Proper department, viz: the Judicial; and the Courts of Law will find no difficulty in deciding whether any particular Act or Clause is or is not contrary to the Treaty. Besides when it is considered that the Judges in General are men of Character and Learning, and fill as well as know the obligations of office and the value of Reputation, there is no reason to doubt that their conduct and Judgments relative

to these as well as other Judicial matters will be wise and upright.

Be pleased Sir, to lay this letter before the Legislature of your State without delay. We flatter ourselves they will concur with us in opinion that Candor and justice are as necessary to true Policy as they are to sound Morality and that the most Honorable way of delivering ourselves from the embarrassment of mistakes is fairly to correct them. It certainly is time that all doubts respecting the Public faith be removed and that all questions & differences between us & Great Britain be amicably and finally settled. The States are informed of the reasons why his Britannic Majesty still continues to occupy the frontier post which by the Treaty he agreed to evacuate and we have the strongest assurances that an exact Compliance with the Treaty on our part shall be followed by a punctual performance of it on the part of Great Britain.

It is important that the Several Legislatures should, as soon as possible, take these Matters into Consideration and we request favour of you to transmit to us an Authenticated Copy of such Acts & proceedings of the Legislature of your State as may take place on the subject and in pursuance of this Letter.

By Order of Congress.

AUTHUR ST. CLAIR, Presd't.

GOV. CASWELL TO COL. W. R. DAVIE.

(From Executive Letter Book.)

KINSTON, April 15th, 1787.

DEAR SIR:

Some of the deputies who are appointed to attend the proposed Convention at Philadelphia thinking the sum granted for their services may prove inadequate to their expences, especially if their attendance should be longer than first it was apprehended might be necessary, and as they are to acco't it has been judged proper to grant them warrants for another months allowance. I therefore take the liberty of enclosing you a Warrant for £64 and as Congress have recommended the time of meeting of the deputies in Convention to be on the second Monday in May, I presume it will be unnecessary for the deputies for this State to attend at an earlier day.

I am respectfully, Dr. Sir, Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO HON. HUGH WILLIAMSON.

(From Executive Letter Book.)

KINSTON, April 15th, 1787.

DEAR SIR:

It being judged necessary to furnish the deputies with another months pay least their stay at the Convention should be longer than was at first apprehended, I take the liberty of enclosing you a Warrant for £64 which I hope you will receive in time to answer the intended purpose.

I am very respectfully, Dr. Sir,

Your most obedt. Servant,

R. CASWELL.

GOV. CASWELL TO JOHN HAYWOOD AND JOHN WHITAKER ESQS.

(From Executive Letter Book.)

KINSTON, April 15th, 1787.

DEAR SIR:

Herewith enclosed you will receive a copy of the Contract made by the delegates of this State with Constable, Rucker & Co., for the sale of our Public Tobacco.

You will observe the time of Delivery is to commence in a very few days and previous to such delivery the Tobacco is to be re-inspected & altho' it is not possible from the late information we have of this agreement that the Tobacco can be got ready for delivery so early yet by the time you get the information of the arrival of the Vessels which are to carry it off you may have some prepared to commence the shipping & may be able to get the whole turned off in good order in time. That you attend particularly to this Business by yourself, or some person by you to be appointed for the purpose, I most earnestly recommend and as there are not inspectors at the ports of delivery it will be necessary for you to call on the nearest or such as can be prevailed upon to attend from the other Warehouses.

I also enclose an Extract of a letter from the delegates to me which shows that they have given assurances that I should direct the re-inspection to take place agreeable to the Contract and that it is re-

quisite that Duplication receipts should be Obtained for the delivery of the Tobacco, these you will be pleased to take from the Agent who receives the Tobacco for Messrs. Constable, Rucker & Co., & transmit them to me as soon as possible.

I am most respectfully, Dear Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO COL. ROBERT ROWAN.

(From Executive Letter Book.)

KINSTON, April 17th, 1787.

DEAR SIR:

I had your favor by Major Nelson and am very glad you received the Copy of the Contract between the delegates in Congress & Constable, Rucker & Co., respecting the sale of the tobacco, in time to repair to Wilmington & prepare for the shipping the same.

I have lately received a Copy of the Agreement from the delegates and have transmitted Copies to the other Commissioners, to you I judge it unnecessary to send a Copy as I am satisfied the one you have is genuine. I have therefore nothing more to recommend to you than the compliance with the agreement so far as falls to you to attend to it; such tobacco as has not lately been re-inspected must be attended to, & if no Inspectors at Wilmington it will be necessary to call upon the nearest or such as will attend if the Agent for the purchasers & you under the Contract can't agree. Please to attend particularly to the obtaining duplicate receipts for the delivery of the Tobacco and transmit them to me as early as you possibly can that I may lay them before the Board of Treasury in order to obtain a proper Credit for the State.

I am most respectfully, Dear Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO HON. THOS. POLK.

(From Executive Letter Book.)

KINSTON, April 17th, 1787.

DEAR SIR:

I had your favor by Major Nelson and agreeably to your request you have enclosed a Warrant on the Treasury for Eight Months allowance, that is one going another returning & six attending in Congress, this is agreeable to an Act of Assembly of the Last Session.

I have the Honor to be most respectfully, Dear Sir,

Your very obedient and very humble Servant,

R. CASWELL.

JOHN HUMPHRIES TO GOVERNOR CASWELL.

(From Executive Letter Book.)

INDIAN TOWN, April 17th, 1787.

SIR:

Received your Excellency's request the first of this Instant and observe the Contents & have Comply'd with your Commands as near as possible. The shortness of Time have prevented my fully Complying, have forwarded two Copies which I hope will come safe to hand (in time) and meet with your Excell's approbation, the other Copy will forward in a Short Time, and have the Honor to be your Excellency's

Most obedient Servant,

JOHN HUMPHRIES.

DELEGATES IN CONGRESS FROM NORTH CAROLINA TO GOVERNOR
CASWELL.

(From Executive Letter Book.)

NEW YORK, April 18th, 1787.

DEAR SIR:

We have laid the papers respecting the seizure and Confiscation of the Property of Mr. Amis before Congress in Obedience to the Com-

mands of the Legislature, and it will probably be productive of some good to our Western Citizens, thereupon such a representation will be made in this business Comprising in a General point of view our entire claim to the Navigation of the Mississippi and the prospects of the citizens there founded on this their right, as will eventually lead, we trust, Congress to the adoption of some uniform decisive line of policy with Spain. The State of this business as Communicated by our predecessors to the Legislature is highly reprehensible, and those active therein in some Measure desirous of finding a means to extricate themselves from their embarrassment; we shall do every thing in our power to facilitate it, as we foresee consequences serious & alarming to the peace & happiness of our Western citizens and eventually of all the United States. Virginia and New Jersey have instructed their Delegates in terms similar to ours, & the Gentlemen now in Congress independent in their instructions are in opinion with us. We have received some Resolutions, or rather a report of a committee concurred with by our Legislature on the propriety of keeping up some Troops in Davidson County to prevent the Indians from taking any hostile resolutions in aid of the Northern tribes, and we are instructed to lay before the United States of America in Con-Citizens it would be presumed to have been proper so to have to continue the same in service while the necessity exist. Your Excellency will readily see an ambiguity here which is very embarrassing to us, for if Congress are to judge of the necessity their Troops are not Necessary as the Necessity does not exist, Congress having lately thought proper to discharge all the Troops raised under the Resolution of October last except two Companies of Artillery as Guards for the Magazine at Springfield and at West Point and on the other hand if the Legislature have views of their own & are of opinion that Troops are necessary for the protection of our western Citizens it would be presumed to say to have been proper so to have instructed that we could bring forward the measure and obtain if practicable the Concurrence of Congress with the State. We have to request that if any other resolutions or Acts of the Assembly will throw any light on this business they may be sent forward as early as practicable. Congress have been necessitated to examine the infractions of the Treaty of peace with Great Britain and to express themselves after a dispassionate & deliberate examination in a firm, decisive and unequivocal manner. The Resolutions thereon & let-

ter of Congress Accompanying the same, will be forwarded this post to your Excellency from the Office of the Secretary of Congress. To add any thing on our parts to a subject so properly treated would be improper because unnecessary. We have no information from Great Britain that gives room except a Commercial Treaty with them, our disunion in grand National points has induced Britain to suppose she can avail herself of any advantages which can be derived from us in the way of Commerce without a reciprocity on her part, and we doubt not she will continue her nefarious Schemes until she discovers that we are capable of seeing and feeling as a Nation. When this most desirable period will arise is a question incapable of solution from present Prospects, although the present are more bright and promising than we did believe they would be for some time past.

France is invariably and unchangeably our friend, they have already made several alterations favourable to us & a Committee is appointed to report other favourable regulations as may be most beneficial to our Commerce; of these you shall be informed from time to time as they Occur.

The present period is a very important one for France. The King has called a Convention of the Notables and they will have met some time early in February, and in addition she has lost the Comte de Vergennes, which is the greater loss as it happened during this critical poise of European politics. He was the friend of America and a very dear one to us, we lost a man who dared to espouse the cause of freedom in opposition to the bigotry of the Clergy and the Tyranny of the Rulers of the Earth. His successor is not yet announced, but we have hopes it will be M. de Montmorin, who is of very great abilities and firm in his friendly disposition towards us. Mr. Barclay has concluded a Treaty with the Emperor of Morocco and as soon as it is ratified it will be sent forward to you. Our Negotiator has through the whole of this transaction discovered much good sense and a pointed attention, to the Rights & interest of the United States. At Algiers we have not been so fortunate and various are the causes ascribed to the failure, three of which only we subscribe to the unskillfulness of the Negotiator, the poverty of the United States, and the very unfriendly opposition given by the British there. They have Twenty-one prisoners, several of whom are

actually employed as slaves in the Marine, and the Remainder variously employed, some in the household of the Dey, &c.

We have the honor to be with great and sincere esteem, Dear Sir,

Your Excellency's

Obedient Servants,

WM. BLOUNT,

BENJAMIN HAWKINS,

JOHN B. ASHE.

No. 390, Gov. Caswell from Delegates in Congress from N. C.

NEW YORK, 18th April, 1787.

DEAR SIR:

We wrote your Excellency the 18th March, a Copy of which and the Articles of Agreement made for the Sale of the Public Tobacco, we herewith enclose.

This will be handed to you, or forwarded to you, by Mr. Robert Stewart, the Agent, as we are informed, of Constable, Rucker & Co., for the Completion of their Contract with us. We have the honor to be, with sincere esteem & regard,

Dear Sir,

Your Excellency's most Obedt. Servants,

WM. BLOUNT,

BENJ. HAWKINS,

JOHN B. ASHE.

THOMAS HUTCHINGS TO GENL. SHELBY.

(From Executive Letter Book.)

HAWKINS COUNTY, April 22nd, 1787.

SIR:

Inclosed I send you a Copy of Cock's Letter to Mr. Blount wherein he makes known his fears and doubts, in his Shuddering condition, at the same time has not lost sight of his interest and have been very careful to touch the Gentlemen to whom he writes with his; you will also observe he promises to exert his influence and likewise pointed out the danger in attempting to enforce obedience; his views I do imagine are easily seen through, thinking to amuse Government until

he can bring over the People by seizing their property, beating & abusing the Civil Officers to prevent the Execution of Laws. They have among them a Major Shod from Georgia who I am informed is a great advocate for their cause, also a Mr. Jones who fled from Virginia. They advise Cromwell's policy to be adopted, Mr. Cock threatening Confiscation and Banishment. That the Gentlemen have not been very Candid, this Maj'r Donalson will give you a further Account of. Cock's party are getting very Insolent, I expect in a few days shall be obliged to try his Boasted Number, I am making the Necessary preparations & Cannot Doubt success, if they have not assistance from Green County, more than five their Number in Hawkins.

I am Sir,

most respectfully,

Your very humble Servt.,

THOMAS HUTCHINS.

GOV. CASWELL TO THE HON'BLE DELEGATES IN CONGRESS.

(From Executive Letter Book.)

No. CAROLINA, Kinston, 23rd April, 1787.

GENTLEMEN:

I had the honor to receive your Letter of the 19th March with the Contract entered into with Constable, Rucker & Co., for the sale of our public Tobacco and the Correspondence between you and the Treasury Board antecedent to the agreement (the 10th Current).

Mr. Rowan had, by some vessel to Washington from New York, been furnished with a Copy of the Contract & informing just as I was fixing off an Express to him that he should set out for Wilmington to attend the re-inspecting the Tobacco, Sunday the 15th inst. The 14th my orders were forwarded to Mr. Haywood and Colo. Whitaker to attend to the Contract in all its parts so far as related to the Tobacco under the direction from these Gentlemen. I have not since heard nor indeed have heard of the arrival of any vessels for the Tobacco.

I am happy in knowing the Tobacco is so well disposed of, there are some who very likely will say it might have been parcelled out

for a greater price, but the manner of payment and the particular Time of our obtaining the credit when Considered well by the Judicious will be adjudged more favorable to us than any offers which were or might have been reasonably expected to be made not Comprehended within the agreement.

Colo. Spaight will in a few days sail from New Bern for Philadelphia, under his care I propose sending 13 Copies of the Laws of the last Session of our Assembly, If I can obtain them, & as many of the Laws of the preceeding year.

I have the honor to be, with respect & Esteem, Gentlemen,

Your most obed. & very

R. CASWELL.

GOV. CASWELL TO JOHN SEVIER, ESQUIRE.

(From Executive Letter Book.)

KINSTON, April 24th, 1787.

DEAR SIR:

I had the honor to receive your Letters by Mr. Meek. I cannot accot. for the Conduct of our Assembly in their last Session. I know some of the Gentns. sentiments did not coincide with my own, but still think if the people on your side the mountains had then have been more unanimous the measures of separation on just and honorable principles would have been pursued & if it were possible for the people to prevail upon themselves to apply by a sufficient number to give convincing proofs of far the greater part of the whole being desirous of establishing a new Government upon such principles, the same may yet be effected if the violences of the passions of some men among you are restrained; if they are suffered to break out, it will be putting the day further off and perhaps the separation may not be effected without bloodshed; this I am sure neither you nor any other man capable of reflection would wish to see brot. about but avoided by justifiable means. You may rely upon it that my sentiments are clearly in favor of a separation wherever the people to be separated think themselves of sufficient strength and Abilities to support a Government; this separation to be established upon reasonable, Honorable, equitable and just principles, reciprocally so to

those who will still continue the old Government as well as those who are to form the new. My Ideas are that nature in the formation of the Hills between us & directing the courses of waters so differently had not in view the Inhabitants on either side being longer subject to the same Laws & Government, that it might be convenient for them as she has liberally bestowed on the minds of thinking men who wish to enjoy and obtain for themselves and others in their circumstances equal benefits, privileges & immunities with the rest of Mankind. I conclude by recommending unanimity among you as the only means by which your Government ever can obtain energy even when the separation is affected by consent of North Carolina.

I have the honor to be, with sentiments of esteem and much respect, Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO JOHN G. BLOUNT, ESQUIRE.

(From Executive Letter Book.)

KINSTON, 24th April, 1787.

DEAR SIR:

By my son Winston I forwarded a letter to Mr. William Blount under the cover of which is enclosed his Comn. as a Deputy from this State to the Convention, also hard Money to the value of £128 at 12, and a warrant in favour of Mr. Spaight for £64 for which Cash was exchanged with him at the same rate; the money & the warrt. amot. to £192, which is equal to a sum I drew from Capt. Davis in my own name, therefore to exonerate me from that charge and place it to the account of Mr. William Blount please to send me a Recet.

I also send a warrant in favor of W. B. for £64, the amot. of these two warrants can be obtained from Mr. Reed and I hope you will receive it in Time to remit to W. B. However, I have no doubt of your having any difficulties on that accot. as I know you can draw bills upon the spot when the Convention will sit. You will be pleased to forward the Letter to W. B. from Washington by such

Conveyance as you think proper or let Winston take it to Mr. Spaight at New Bern.

I am very respectfully, Dear Sir,
Your most obedt. Servt.,
R. CASWELL.

GOV. CASWELL TO THE HON'BLE WILLIAM BLOUNT.

(From Executive Letter Book.)

No. CAROLINA, April 24th, 1787.

DEAR SIR:

A few days past I received a Letter from Mr. John G. Blount informing me you would accept an appointment to the Convention & attend at Philadelphia as one of the Deputies of this State, as I had written him several Times on the subject and he had more than once acquainted me 'twas his opinion you would accept the appointment, I had delayed resigning but had procured the opinion of the Council favorable to my wishes, in case I should not go forward, by recommending you to fill the vacancy if that should be the case. Believe me it gives me pleasure that my place will be so well supplied not only on my own acct. but for the dignity and honor of the State. Herewith you will be pleased to receive the Commission & a Copy of the Act of Assembly.

We have been much put to it to raise some hard money. Mr. Spaight I hope is furnished and I now send J. G. Blount £128 a 12, which we were obliged to give, which is for two months' service and warrants for an equal sum. Mr. Reed lately informed me he had drawn on the fund out of which the deputies were to be paid about £400 so that there is no doubt but the paper can be had and J. G. B. has engaged to make you the remittance which I hope will arrive seasonably.

'Tis now too late to say any thing to you on Congressional Business, therefore shall only take notice that I have written to the deputies in answer to the Tobacco Business. Orders have issued to the Comrs. but I hear of no arrivals of vessels to carry it off.

The naval officers of Roanoke and Beaufort have made me returns of the exports of 1785 & 1786, but none others. I shall wait

some weeks longer in expectation of being able to forward the whole, but if I do not receive them I will make a partial return; one Copy I will forward to you to dispose of in the manner you mentioned and another for the use of the Convention.

I have the Honor to be with the greatest respect & Esteem,

Dr. Sir,

Your most obed. & very H'ble Servt.,

R. CASWELL.

GOV. CASWELL TO HONBLE. CHAS. THOMSON.

(From Executive Letter Book.)

(Circular.)

OFFICE OF SECRETARY OF CONGRESS,

SIR:

April 25th, 1787.

I have the honor of transmitting to your Excellency herewith enclosed, sundry Resolutions passed since my last, by the United States in Congress Assembled; one empowering the Board of Treasury to contract for the Coining a certain Quantity of Copper, a second for the sale of Lands already Surveyed in the Western Territory, and a third extending the privilege of sending & rec'g Letters and Packets free of Postage to the Members of the Convention to be held at Philadelphia on the second Monday in May next.

With the greatest respect, I have the Honor to be

Your Excellency's most Obedt. and Most Hbl. Servt.,

CHAS. THOMSON.

RESOLVES OF CONGRESS FOR COPPER COIN.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

April 21st, 1787.

On the report of a Committee to whom was referred a report of the board of treasury on certain proposals for coining copper.

Resolved, That the board of treasury be, and they are hereby authorized to contract for three hundred tons of copper coin, of the Federal Standard, agreeably to the proposition of Mr. James Jar-

vis; Provided, that the Premium to be allowed to the United States on the amount of Copper Coin contracted for be not less than fifteen per cent., that it be coined at the expence of the contractor, but under the inspection of an Officer appointed and paid by the United States. That the obligations to be given for the payment of the copper coin to be delivered under such contract be redeemable within twenty years after the date thereof, that they bear an interest not exceeding six pr cent. per annum and the principal and interest accruing thereon be payable within the United States. That the whole of the aforesaid loan shall be sacredly appropriated and applied to the reduction of the domestic debt of the United States, and the Premium thereon towards the payment of the Interest of the foreign Debt.

CHAS. THOMSON, Sec'ty.

RESOLUTION OF CONGRESS FOR SELLING TOWNSHIPS IN THE NEW
STATE.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

April 21st, 1787.

On a Report of the board of Treasury, to whom it was referred to report a plan for selling for Public securities the Townships surveyed in the Western Territory, Resolved, That after the Secretary at War shall have drawn for the proportionate Quantity of the Lands already Surveyed, which were assigned to the late Army agreeably to the ordinance of the 20th May, 1785, the remainder shall be advertised for sale in one of the News Papers at least of each of the States, and at the expiration of five months from this day the sale of the Land shall Commence in the place where Congress shall sit, and continue from day to day until the same shall be disposed of; provided, that none of the Lands shall be sold at a less price than one dollar per Acre, and that the sale shall be made agreeably to the mode pointed out by the ordinance aforesaid.

Resolved, That one-third of the purchase money shall be immediately paid in any of the public Securities of the United States, to the Treasury of the said States, and that the remaining two-thirds shall be paid in like manner, in three months after the date of the sale, on which payment (Certificate thereof being previously furnished by

the Treasurer to the board of treasury) Titles to the Land shall be given to the purchaser by the board of treasury, Agreeably to the terms prescribed by the said Ordinance; provided, that if the second payment shall not be made in three months, as aforesaid, the first payment shall be forfeited and the land shall be again exposed to sale.

Ordered that the board of Treasury take the necessary Measures for carrying the aforesaid resolutions into effect, and also for exhibiting the Surveys of the Lands.

CHAS. THOMSON, Sec'ty.

RESOLVES OF CONGRESS.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

April 23rd, 1787.

Resolved, That the privilege of sending and receiving Letters and Packets free of Postage be extended to the Members of the convention to be held in Philadelphia on the Second Monday in May next, in the same Manner as allowed to the Members of Congress.

CHAS. THOMSON, Sect'y.

GOV. CASWELL TO COLONEL ROBERT ROWAN.

(From Executive Letter Book.)

KINSTON, April 30th, 1787.

DEAR SIR:

Three days past Mr. Robert Stewart, agent for the purchasers of the public Tobacco, arrived at Washington where he is lading a Brig with Tobacco there; he is daily looking for the arrival of Vessels and expects a large ship into Cape Fair, pray write him to Washington what quantity of the Tobacco is re-inspected and ready for shipping, and correspond with him occasionally as he will do with you, on this business.

Please to take triplicate receipts for the Tobacco as it is from time to time delivered and transmit them to me, one of which will re-

main as the voucher of the State & the other two to be forwarded to the Board of Treasury and our delegates.

I am most respectfully, Dear Sir,
Your very Obedt. Servt.,
R. CASWELL.

GOV. CASWELL TO JOHN HAYWOOD, ESQ.

(From Executive Letter Book.)

KINSTON, April 30th, 1787.

DEAR SIR:

Mr. Robert Stewart, Agent for Constable, Rucker & Co., is arrived at Washington in a Brig now ready to take in the public Tobacco. Pray give him every possible dispatch either by yourself or such person as you may appoint; you will be pleased to attend to the agreement, in every particular, which I had the honor to transmit you a Copy of a few days past. I believe it will be best to obtain the triplicate receipts for the Tobacco as delivered from time to time and remit them to me, one of which to be kept for the security of the State, and the other two to be transmitted by different Conveyances to the Board of Treasury and our Delegates; pray let me hear from you as this business goes on.

I am most respectfully, Dear Sir,
Your most obedt. Servant,

GOV. CASWELL TO JOHN WHITAKER, ESQ

(From Executive Letter Book.)

KINSTON, April 30th, 1787.

DEAR SIR:

Mr. Robert Stewart, Agent for the Gentln. who purchased the public Tobacco, arrived last Friday at Washington where he will be this week Lading a Brig, he is daily looking for Vessels to take off the whole and will apply to you on the arrival of any of his Vessels at Edenton.

I wish if you have any difficulties in the way you would be pleased to advise me, and request you will be pleased to Correspond with Mr.

Stewart and let him know what no. of Hogsheads of Tobacco you have ready re-inspected, from time to time, and in short give every possible dispatch to this business in your power.

Please to obtain triplicate receipts for the Tobacco as it is from Time to time delivered, one of which to remain here for the Voucher of the State and the other two to be transmitted to the Board of Treasury and our Delegates. Mr. Stewart to whom I have spoken on this subject, has no objection & as you get the receipts pray forward to me.

I am Dr. Sir, your most obedt. Servant,
R. CASWELL.

JOHN HAYWOOD TO GOVERNOR CASWELL.

(From Executive Letter Book)

EDGECOMBE, May 1st, 1787.

SIR:

A few days past your Excellency's Letter of the 15th Ult., together with its Enclosures, was handed me by Capt. Child and this day presents me with your favour of Sunday last, informing of the Arrival of the Agent of the Purchasers of the Public Tobacco; I set out this Evening for Washington at which place I shall be ready to Begin the delivery of the Tobacco on Thursday Morning Next, and beg you to be assured that no Exertion in my power shall be wanting to hasten the Completion of this Business. I shall be mindful of your Injunctions and shall take pleasure in complying with your Excellency's Request as to the giving you from time to time accounts of the progress made in the Business of delivering this Tobacco.

With the Purest Sentiments of Respect & Esteem.

I have the Honor to be

Your Obedt. Servt.,
J. HAYWOOD.

ENSIGN McDONALD'S RESIGNATION.

(From Executive Letter Book.)

DEAR MAJOR:

Enclosed you will find my Commission Sent me by you with instructions as Ensign to serve in the Cumberland Troops, which please

dispatch to his Excellency the Governor, with my resignation of the Same, & oblige, Dear Sir.

Your Most Hum'l. Servt.,

JAMES McDONALD.

May 2d, 1787.

GENL. SHELBY TO GOV. CASWELL.

(From Executive Letter Book.)

SULLIVAN COUNTY, May the 4th, 1787.

SIR:

The 27th of April past, I called the Colonels, Viz: (Tipton, Maxwell and Hutching) of Washington, Sullivan and Hawkins Counties in order to Consult on some Measure which might be most Salutary for the safety of this Country at the present Time. The Gentlemen met accordingly at my house and several gave it as their Opinion that I should address Government in the following manner:

As the safety and well being of Government are now at Hazard and the Liberties and Properties of the good Citizens thereof wrested from them by parties, Notwithstanding the lenient and Conciliating Measures of the General Assembly, by a Call of the Commanding Officers of the several Counties, and Sundry Complaints from Individuals and the enclosed Copies of Letters, it was thought proper to advise with your Excellency on the occasion and send a Just Statement of the proceedings. The Assembly of Franklin being called have passed and ratified the following Acts: They have opened an office for the Land reserved to the Indians from French Broad river to the Tennessee River. Also an Act fining and imprisoning any Person who shall dare Act under any judicial Authority of the State of North Carolina under which Act they proceed with the greatest Vigor, beating, imprisoning & seizing the property of men in arms; a third Act, in order to compleat their designs and draw a party to their interest, they have laid their Taxes One Shilling the Poll and six pence per hundred Acres of land, after the Collection of which they give three years Tax free. Those methods with many others, such as appointing Officers to carry into execution their unreasonable Acts and Designs causing a total subversion of all laws and Good Government, even every sense of Civilization is lost among them. I

have therefore thought it expedient to call upon you for your immediate assistance, having the faith and honor of the Legislature of North Carolina pledged to us, that we shall remain secure in our liberties and Properties, the Matter is truly alarming; and it is beyond a doubt with me that Hostilities will in a short time Commence, and without the interference of Government without delay an effusion of Blood must take place. I therefore think it highly necessary that one thousand troops at least be sent as that number might have a good effect, for should we have that number under the Sanction of Government, it is no doubt with me they would immediately give Way, and would not appear in so unprovoked an insurrection, on the contrary should a faint and feeble resistance be made the consequence might be very fatal and would tend to devastation, ruin and distress. Should your Excellency think it convenient to call on the Commonwealth of Virginia, have reason to believe we might meet with their aid as they have four counties nearly bordering on us and would be the most speedy assistance we could come at in case your troops do not reach us in time to relieve us; I think it highly necessary that a quantity of Ammunition be forwarded to us as it is very scarce in this country.

Thus Sir, you have before you the result of my Conference with the aforementioned Colonels, it is plain where the measure therein advised if adopted will end the matter. I entirely defer to Government and hope that something may be done or some Measure adopted to put a final end to the present unhappy Disturbance; the Officers in Greene County have all engaged in the New State Affair and have therefore refused to receive their commissions.

There is scarcely any Money in this Country, I have been obliged to fit out this Express with Horse and Cash to bear him Down; it is to be expected your Excellency will procure some money to bear his expences home again. Your Excellency will perceive by comparing the enclosed in my last letter with this, that the People of Franklin have not assented to the agreement which was entered into with their Governor for the preservation of peace and good order in this Country. Not many men are here engaged in vindicating the Authority of North Carolina. They have hitherto behaved with that coolness and prudence which ever ought to characterize good Subjects assured of their Safety under the Government they are in,

at the same time convinced that allegiance & protection are reciprocal they expect to enjoy the one as they have yielded the other.

I have the honor to be, with much

Respect, Your Excellency's most

Obedt. & Humbl. Servt.,

EVAN SHELBY.

COL. ANTO BLEDSOE TO GOV. CASWELL.

(From Executive Letter Book.)

SULLIVAN COUNTY, 4th May, 1787.

May it please your Excellency:

SIR:

Some time past I was called abroad to Transact some Business. Being at that time Clerk of Sullivan County, I nominated a deputy to Transact the Business in my Absence, who being approved by the Court here took place Accordingly. At my return lately it appeared that during my absence there had been a change respecting a Government Called Franklin, that the Justices of this County had let the Court fall, a Majority if not all having Joined the new made Government; when the Courts were erected under the Franklin Authority the person who was deputy for me was by them made Clerk of their Court in Sullivan, by which proceeding all the records of this County have fallen into the hands of the People of Franklin. Their Court here have been Requested in the name and by the Authority of North Carolina to Deliver these Records Belonging to the State, to the proper Clerk of the County, which Request they Absolutely refuse to Comply with. As an Officer under the State of North Carolina I thought it my duty to acquaint your Excellency of this Matter Expecting you will please to Give some Directions how I am to proceed in this affair.

I am with due Respect,

Your Excellency's most

Obedt. & Humble Servt.,

JOHN RHEA.

COL. ANTO BLEDSOE TO GOV. CASWELL.

(From Executive Letter Book.)

SULLIVAN COUNTY, May 4th, 1787.

DEAR SIR:

When I last addressed your Excellency from this place I little expected to have dated a second from the same. Though business of a private nature detained me a considerable time, and then being advised by your Letter that Major Evans expected to be at the lower end of Clinch Mountain by the first of April, I delayed setting homeward till I could see him, thinking thereby I might Render him some service & I am still impatiently waiting. I have had several Letters from the Counties of Davidson & Summer giving a particular account of several hostile Acts Committed by the Savages on our frontiers since I left that Country. On the whole five persons were killed, Viz: one Prince and his wife, a Cornelius Ruddle, a Bowman, a boy by the name of Ramsey, and as am advised scarce a week passes that they do not steal horses; the Tassel writes to the Inhabitants of Holston that the Creeks and all the Northern Tribes of Indians is Determined on War this Summer, and further adds that they are determined on breaking up the Kentucky and Cumberland settlements this Summer. I judge from every appearance that they will harass the frontiers greatly but hope they will not be permitted to carry their threats into execution. I have stayed long enough in this part of the Country to see the appearance of the long dreaded Confusion, long enough to see and hear the lenient Measures of the last Session of the General Assembly treated with the greatest contempt. I have always been of opinion that without the greatest prudence it was to end in blood and now am further Convinced that without Government Acts are decided fast, Hostilities will shortly commence. The Franklin Assembly has been sitting and have Opened a Land Office from French Broad to Tennessee River, which from Accounts Gives a General disgust to the Indians & I judge gives them cause to harrass the Cumberland Settlements; also an Act to punish by fine and imprisonment any Person that shall Act under the Assumed Authority of North Carolina by issuing or executing any Precept on any of the Inhabitants or Citizens of the State of Franklin for the first Offence, the fine five pounds, the second offence

a fixed time of imprisonment the Governor to order a Guard & safe keeping on the Estate of the offender. I have myself heard the Franklin party wish for the Period of commencement of Hostilities, to me it is a dread thought.

Might I be permitted to request your Excellency's addressing these people & advising them the necessity and advantage of returning to their duty once more, the danger & evil Consequence of their persisting in their attempt of their supporting an Independence; I do assure your Excellency that it is my Opinion that your address on that occasion would have a very great effect on the Principal people in the revolted party. I judge this will accompany a Letter from General Shelby Addressed particularly on thus Subject.

I should be particularly happy to be honoured with a line from you Acquainting me with the particulars done at the Meeting of the Deputies appointed to meet at Philadelphia or any other matter You shall think proper to communicate. In conformity to your request I shall at all times advise you of every thing I judge worthy of your notice.

Whilst I have the honor to be,

Your Excellency's Mo. Obedt. & Mo. Humble Servt.,

ANTHONY BLEDSOE.

N. B.—The friends to Government seem to act with much calmness, to avoid the effusion of Blood if Possible; indeed I wish necessity may not Compel them to Act a different part or lose sight of Government.

A. B.

GOV. CASWELL TO JOHN WHITAKER, ESQ.

(From Executive Letter Book.)

KINSTON, May 6th, 1787.

DEAR SIR:

Your Letter of the 3d is to hand. I am very glad to hear you think the Tobacco in your charge belonging to the public is in good order, the expence and trouble will be less and the dispatch greater than if it was otherwise. I did not expect you could get the Tobacco inspected by persons in the neighbourhood where it lies as you had before informed me no inspectors were appointed in that part of

the Country, but I flatter'd myself you would be able to prevail on some Gentlemen who are inspectors in some one or other of the adjacent Counties to attend to this particular business. As it is stipulated in the agreement that it shall be re-inspected we must at all events have it done, and that of getting it inspected as convenient as possible, I think the most eligible. I see no impropriety in the Court of Halifax appointing Inspectors for their own County and if you can prevail on such as are or may be appointed there to attend to this business, I think the end will be answered. I had rather Mr. Stewart should be present when the re-inspection takes place because in case of dispute you could have the matter settled according to the agreement, but he told me on speaking to him on that subject he thought his presence on that occasion unnecessary as he had no doubt but the Inspectors would do their duty.

With the firmest reliance on your giving this business every dispatch in your power, I am, Dear Sir,

Your most Obedt. Servt.,

R. CASWELL.

ORDINANCE FOR SETTTLING ACCOUNTS.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

May 7th, 1787.

An Ordinance for settling the accounts between the United States & Individual States.

Be it ordained by the United States in Congress Assembled, that five Commissioners be appointed by the Board of Treasury whose duty it shall be to go to the several States in the districts hereafter mentioned, for which they may be respectively appointed, for the Purpose of Stating the accounts of the State within those Districts, against the United States.

That the States of New Hampshire, Massachusetts, Connecticut, and Rhode Island form one District. That the States of New York & New Jersey form one District. That the States of Pennsylvania, Delaware & Maryland form one District. That the States of Virginia and North Carolina form one District. And that the States

of South Carolina & Georgia form one District. That it shall be the duty of the said Commissioners respectively to receive of the State for which they are appointed, all their Accounts & Vouchers for Payment made on account of Bounties, pay & depreciation of pay, to the late Army of the United States, and for advances to the Militia, called out under the Authority of the United States and Actually in their Service, and to give descriptive acknowledgments thereof to the States from which they may be received, which accounts & Vouchers shall be immediately forwarded to the Commissioners of Army Accounts whose duty it shall be to examine and pass such as are Authorized by the Resolves of Congress and supported by proper Vouchers; and to State such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims. That it shall further be the duty of the Commissioners to receive in like manner the accounts and Vouchers for monies paid and supplies furnished on the requisitions of Congress, made previously to Oct. 1781, and to forward the same to the Office of the Comptroller of the Treasury. That it shall also be the duty of the said Commissioners to receive and examine all the Claims of the States to which they are appointed, against the United States for advances or disbursements by them made for the use of the late commissary, Quarter Master, cloathing, marine and hospital departments, or under any other description whatsoever; to pass upon all such as are authorized by the Resolves of Congress, and supported by proper Vouchers, so far as it respects the evidence offered in the support of the said Claims, and to State such as are not thus Warranted or supported, together with such remarks as may explain the Nature of these Accounts, and the reasons offered for the Deficiency of Vouchers.

And be it further Ordained by the Authority aforesaid, That on all the Accounts aforesaid Interest shall be allowed at the rate of six per cent. per Annum, Agreeably to the resolves of Congress; And Whereas, it is essential to the Welfare of the Confederacy that the Accounts of the several States should be speedily adjusted, that this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the Respective States for the use of the Union, although the Same be not Sanctioned by the resolves of Congress or supported by regular Vouchers.

Be it therefore ordained, That the several States be, and they are hereby Limited to the space of six months for Exhibiting to the proper Commissioner, their Claims against the United States, of whatsoever Nature the Same may be, and that such States as may neglect to exhibit the Same within that period of time, after the Commissioner has notified to the Supreme executive thereof that he is ready to proceed on the business of his Commission, shall be precluded from any future allowance; but shall nevertheless stand chargeable with all the advances of Money or other Articles which may have been made to them respectively by the United States, and with whatever balance may be yet due on their Several quotas of the General Requisitions.

And be it further Ordained, That the said Commissioners of Districts shall within twelve months after they enter on the duty of their several appointments, repair to the place where the United States in Congress may hold their Sessions with such Accounts and Vouchers as they may have in possession and deliver the same to the Comptroller of the Treasury, on which their Commission shall terminate.

Be it further Ordained, That a Board Consisting of three Commissioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the Comptroller of the Treasury, and from the Commissioner of Army Accounts, all the Accounts and Claims of the Several States deposited in their respective Offices, and to examine such of the said accounts as shall have been passed by the Commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles having reference to the Settlements of Accounts heretofore made by the Commissioners of the different States: Provided, that such revision of the Accounts above mentioned shall not in any wise affect the Validity of the Vouchers admitted by the Commissioners of the respective Districts.

And be it further Ordained, That wherever it shall appear to the said Board of Commissioners that advances or disbursements, payments or Supplies, of the description aforesaid, have been made by any of the States, Subsequent to the 18th April, 1785, for articles of service for the use of the United States, that said Commissioners be, and they are hereby vested with full power & authority to make such allowance for the same as they shall think consistent with the

principles of general equity, although such advances or disbursements may not be Sanctioned by the Resolves of Congress or Supported by regular Vouchers, so as to enable the said Commissioners to make a final adjustment of all the Accounts subsisting between the United States & the several members thereof, agreeable to such quota as Congress shall hereafter determine.

And be it further Ordained, That the Determination of a Majority of the aforesaid board of Commissioners on the claims submitted to them shall be final and Conclusive, and their commission shall continue in force for one year and a half from the time of their entering on the duties of their office, unless sooner revoked by Congress.

And be it further Ordained, That the pay of the Commissioners of districts, shall be at the rate of twelve hundred & fifty dollars Per Annum; and that of their clerks at the rate not exceeding four hundred & fifty dollars per annum, each.

And be it further Ordained, That every person employed, or to be employed in pursuance of this Ordinance, shall previous to the entering on the duties of his office take and subscribe an Oath faithfully & impartially to perform the duties of the office to which he is appointed, Certificates of which shall be deposited with the Secretary of Congress.

And be it further Ordained, That the Ordinance of the 13th Oct., 1786, entitled "An ordinance for establishing a board to liquidate and settle all Acc'ts between the United States & Individual States," be, and it is hereby repealed.

Attest: R. ALDEN, Dept. Sect'y.

REPORT OF SALES OF DEERSKINS FOR THE STATE.

Sales of 3 Hodgs. Deerskins shipped by Mr. Robert Montfort per the Sloop Julie, Capt. Latham, from Georgia, for sale on account of the State of North Carolina by order of the Honbl. Colonel William Blount at New York, 12th May, 1787.

No. 1. 1 Hoghd 400 skins drest.

8.3.13, is----- 993 lb

Tare----- 155

Net----- 838 lb at 22d-----£ 76 16 4

No. 2.	1 Hhd. 8.2.0, is	952			
	Tare	154			
	Containing	798 lb			
	230 Skins in hair	677 lb at 18d	£ 50	15	6
	58 do Ind. drest	121 22d	£ 11	1	10
No. 3.	1 Hhd 252 skins in hair.				
	9.0.7 is	1015			
	Tare 166 & dog skins	174			
	Neet	841 lb @ 18d	63	1	6
	Charges viz:		£ 201	15	2
Paid Fre't.	3 dolrs a Hhd	£ 3	12	0	
	Cartage to Store	0	4	6	
	Cooperage	0	2	9	
	Weighing at public Scales	0	5	0	
	Commission & Storage 5 per Ct.	10	1	9	14 6 0
	Neet Sales		£ 187	9	2

JOHN RAMSEY.

New York, 12th May, 1787.

Errors Excepted.

RECEIPT FOR TOBACCO FROM CONSTABLE, RUCKER & CO'S, AGENT.

(From Executive Letter Book.)

NORTH CAROLINA,

WASHINGTON, May 15th, 1787.

I, Robert Stewart, Agent for the house of Constable, Rucker & Co., Merchants of New York, do hereby Acknowledge that in consequence of a contract made and entered into by the Honorable William Blount & Benj. Hawkins, Esquires, two of the Delegates in Congress from the State of North Carolina, on the part of the State aforesaid, & Constable, Rucker & Co., Merchts. of New York, for the Sale and purchase of certain Tobacco the property of the said State, and Pursuant to a Power of Attorney from the said Constable,

Rucker & Co., bearing date the 18th day of April, 1787, which hath been duly proved before the Notary Public of the Town of Washington in the State aforesaid, Constituting and appointing me their Agent with full powers and pursuant to the orders of his Excellency the Governor of North Carolina, issu'd in Consequence of such Contract and Power of attorney aforesaid, I have this day received of John Haywood, one of the Commissioners on the part of the State of North Carolina, at the Town of Washington, Two hundred and Seventy-seven Hhds. of Tobacco the nett weight of which amounts to two hundred and twenty-seven thousand five hundred & forty-three pounds, for and on account of the said Constable, Rucker & Co. In witness whereof I have here unto set my hand, having subscribed four receipts all of the same tenor and date, one of which having taken effect, the other three to be void and null.

ROBERT STEWART.

Signed in presence of

JNO. SITGREAVES,

A. C. THOMAS.

POWER OF ATTORNEY FROM CONSTABLE, RUCKER & CO., TO
ROBERT STEWART.

(From Executive Letter Book.)

May 15th, 1787.

Know all men by these present that we, Constable, Rucker & Co., for divers good Causes and Considerations where unto moving has made, ordained, Authorized, Nominated and appointed, and by these present do make, ordain, Authorize, nominate and appoint Mr. Robert Stewart of New York, Merchant, true and lawful Attorney for us in our name and for our proper use and Benefit to ask, demand, sue for, recover and receive of and from the State of North Carolina and all persons Residing therein, all such sum or sums of Money, Debts and Demands whatsoever, which are now due and owing to us, the said Constable, Rucker & Co., by and from the said State and the persons within it, and to have, use and take all lawful ways and means in our name or otherwise, for the recovery thereof by Attachment, Arrest, Distress or otherwise, and to Compound and agree for the same, and Acquittances or other sufficient discharge

for the Same, for us & in our name, to make, Seal and deliver, and to do all other Lawful Acts and things whatsoever Concerning the premises as freely in every respect as might or could, were we personally present at the doing thereof; and attorneys one or more under for the purposes aforesaid, & Again at pleasure to revoke, ratifying & Confirming, and by these present allowing whatsoever said attorney shall, in name lawfully do or cause to be done in and about the premises by virtue of those present. In Witness hereof we have hereunto set our hands & seal the eighteenth day of April, in the year of our Lord One thousand seven hundred & Eighty Seven.

CONSTABLE, RUCKER & CO.

Sealed and delivered in presence of

JOHN HOWLAND.

I, William Groves, Notary and Tabillion (?) Public for Port Bath in the State of North Carolina, by Lawful Authority duly Admitted and Sworn, Dwelling in the Town of Washington, do hereby Certify that the above is a true Copy of the Original Power of Attorney as proved by the Oath of John Howland and Subscribing Witness.

In testimony whereof I, the said Notary, hath hereunto set my hand and affixed my Seal of Office at Washington, this fifteenth day of May, in the year of our Lord, 1787.

WILLIAM GROVES, No. Pub.

LIEUTENANT McDONALD'S RESIGNATION.

(From Executive Letter Book.)

DEAR MAJOR:

Enclosed you will find my Commission sent me by you with instructions as Lieut. to serve in the Cumberland Troops, which please to Dispatch to his Excellency the Governor, with my Resignation of the same, and Oblige, Dear Sir,

Your most Obedt. Hble. Servt.,

JAMES McDONALD.

March 15th, 1787.

Major Thomas Evans.

This letter came to my hand May 19th, 1787.

THOS. EVANS.

HONBLE. WILLIAM BLOUNT TO GOVERNOR CASWELL.

(From Executive Letter Book.)

NEW YORK, May 20th, 1787.

SIR:

By the enclosed papers your Excellency will be informed that some part of the debt due from Bryan Ward of Georgia, to the State of North Carolina, for the goods by me sold him has been by him paid to Mr. George Ogg, in Deerskins, which have been Shipped to this place & sold by my order on account of the State, by Mr. John Ramsey at three months Credit. You will also be informed that I have caused nearly the whole of the money, or more truly the Note of hand of the Purchasers at the three Months Credit, arising from the sales of the Skins to be laid out in good Hyson Tea & in what manner I have directed it to be disposed of. My wish was that Tea should have been Shipped to the full amount of the Sales of the Skins but as the Shippers would not Break a Box they could not Ship to the exact amount, and upon reflection that I had made this Shipment without order from the State and being no stranger to the liberties many people would indulge themselves in if it should be lost, I have caused it to be insured, which will nearly Balance the Account. Your Excellency will, I have no doubt, recollect that I had given Orders to Mr. Ogg to ship these Skins to Stewart and Barr of Philadelphia, but last winter while the Delaware was closed with Ice I thought it would be most beneficial to the State to order them to this place, which I accordingly did. A Desire to render every Public Act of mine as beneficial as possible to the State has induced Me to order the Money arising from the Sales of the Skins to be laid out in the aforesaid Teas, a motive that I hope will justify the Act be the loss or gain what it may, tho' Loss there cannot be unless the Ship is lost and the insurers fail. I have endeavoured to place the whole of this transaction in so clear a point of View that I hope the Tongue even of Malevolence itself will be compelled to confess that I have no other Interest in it than that of a Citizen in General. This remark I should have thought unnecessary if my Conduct as an Agent for the State, at the Treaties at Hopewell on Keowee, with the Indians, had been treated with the Candor it de-

served. And if this Transaction should meet the approbation of your Excell'y it will be particularly pleasing to, Sir,

Your Most Obedt. Servt.,

WM. BLOUNT.

HONBLE WILLIAM BLOUNT TO HENRY TOOMER.

(From Executive Letter Book.)

NEW YORK, May 20th, 1787.

SIR:

Inclosed is a bill of lading for seven Chests of the best Hyson Tea, just from India, Shipped by Constable, Rucker & Co., by my order on account of the State of North Carolina, on Board the Ship Morris, Captain Linnet, to your address. You will please sell it on account of the State (unless otherwise directed by the Governor whom you will please advise of its arrival) for the most obtainable by the Box or pound as you shall judge most beneficial for the State, so as to have the money in hand therefor at the sitting of the next General Assembly. You need not ask the Governor for further Orders but if he gives you any you are to obey them; if you should retail it I suppose it will Command 24d to 30d paper Money per lb., and less than 24d you are not to take without further orders from the Governor or myself, & this price I suppose may be obtained for it by the Chest at a Credit till November; but in case of a sale on a Credit sell only to such persons as the fullest dependence may be had, or the Governor's warrants on the Treasury will answer in payment as well as money. As these Teas are the property of the State I suppose they will not be subject to the actual payment of any State duty. The Money with which these Teas were purchased was here Raised by the sale of some deerskins belonging to that State, as the enclosed Accounts of Mr. Ramsey will show, and these skins were received in Georgia on account of the State of North Carolina for goods by me there sold belonging to the State. If a Certificate is sent here from the Collector from the Impost of these Teas having been landed in North Carolina, and they have paid or are subject there to the payment of such duties as are imposed by the State, the duty here will be refunded, therefore Sir, I request you to procure such Certificate and a Duplicate thereof, and send them to this place

by the first Conveyance to my friend Mr. John Ramsey, Mercht. of this place; if these Certificates can't be obtained unless the duty is actually paid in that case you must actually pay it for it is better with you than here & it is of very little consequence whether it is actually paid or not with you, for the State only pays to herself in that case. For this trouble you will charge your usual Merchantile Commission. Observe that you open your Account with the State & not with me for I have no other Interest in the Transaction, except, that as it has been under Guardianship & direction I wish it may be very beneficial to the State. Will you please forward the Governor a Copy of this Letter and inform him of the arrival of the Tea as soon as an Opportunity offers after it reaches your hands, and inform him of the value of it with you and your prospects of sale.

I am your most Obedt. Servt.,

WM. BLOUNT.

To Henry Toomer, Esq.,
Wilmington.

MAJOR EVANS TO GOVERNOR CASWELL.

(From Executive Letter Book.)

RICHMOND, May 21st, 1787.

SIR:

I have the honor of informing your Excellency of my being at this place some time, where I ordered all the Officers this side the Mountains with what men they had enlisted, and expected they would have been here before this; but much to my surprise have since that time Received Letters from three of them with their Commissions enclosed and one has never applied for his, agreeable to my letter of instructions to him by Col. Richardson of Bladen. Inclosed I send your Excellency a Return of those Officers who have resigned and declined Serving, with a Copy of their Letters of resignation. Captain Hyland and Ensign O'Neal I have never heard from since I Transmitted them their Commissions from Fayetteville, which puts me to a stand, to judge whether they mean to act or not. A few days ago I had the pleasure of hearing from Captain Martin, who informs me he has got his quota of men; Captain Hadley's Company is in this District & nearly Compleat. Your Excellency

may depend that as soon as it is possible I can collect Returns from the different Officers, shall immediately without delay transmit them to you. The delay of the Compleating the Batalion Your Excellency, I flatter myself will conceive, is owing in a great measure to so many of the Officers declining to Serve. And as the Act of Assembly has not put it in my power without your assistance to appoint others in their stead, on these Considerations I hope your Excellency will do everything in your power to remedy that misfortune by appointing others in their Room or by Transmitting Blank Commissions to me to be filled up by such persons as I shall judge deserving & that does enlist such a certain Number of Men Previous to their receiving their Comis'n, which mode I flatter myself will be the most expeditious to Compleat the Batalion. As I would not wish to do any thing to cause reflexion on my Conduct to Judge the Law, where it appears ambiguous, I therefore wish your Excellency's advice upon the 14th Section of the Act for raising Troops for the defence of Davidson County, so far as Respects the Officering the Cavalry & whether said Officers are to be taken from the Batalion Officers or to be Officered by any other persons not immediately belonging to the Batalion, which the Commissioned Officers Convened for that shall direct & appoint. One cause of delay that I labour under in the present expedition is the want of expresses which make me feel very unhappy as an Officer, by not having it in my power to Expedite any kind of Business nor to hold the least Correspondence with my Officers or other Gentlemen who are well wishers to Government. The Peace of Western Country and safety of its inhabitants is exposed without them, & am of opinion that the delays already, and that possibly may happen hereafter will cost Government more than the trifling sum which would serve that purpose; nor can I without paying them myself transmit any returns to your Excellency or the paymaster without some safe hand Employ'd by the State. I flatter myself I shall be able to leave this place by the time Mr. Markland can possibly get back, but what number of men I shall be able to collect by that time is uncertain, but you may depend I shall use every Exertion in my power for the good of the Service. From the Scarcity and high price of provision in this part of the Country, as well as other Articles which we stand in need of, Renders it necessary for Mr. Markland's calling upon your Excellency for a further draft for that Purpose before the Troops can possibly go through the wilder-

ness, which I make no doubt but your Excellency will take under your Serious Consideration & Grant such further Drafts as may enable Mr. Markland to procure the necessary supplies. I am with every sentiment of respect,

Your Excellency's most Obedt. & very Humble Servt.,
THOS. EVANS.

HONBLE. ROBERT BURTON TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, 22d May, 1787.

SIR:

On Tuesday the 15th Instant I arrived here, since which time there has not been a sufficient number of States Represented to do Business in Congress. At this time very few members are here & it being very certain that there will not be a meeting again until the Convention at Philadelphia rises I shall return immediately home and as soon as I am notified that 'tis likely that Congress will sett I shall come on. We have no news here more than papers contain, which I enclose you. I have the Honor to Subscribe myself your friend and very Humble Servant,

RO. BURTON.

BOARD OF TREASURY TO GOV. CASWELL.

(From Executive Letter Book.)

(Circular.)

BOARD OF TREASURY,
May 25th, 1787.

SIR:

We do ourselves the honor of transmitting to your Excellency for the information of the Legislature of the State in which you preside, an Ordinance of the United States in Congress of the 7th Inst., for the Speedy and effectual settlement of accounts depending between Individual States & the United States. The Interest of the State as well as that of the Union are so materially involved in the Comple-

tion of this Object that we entertain the fullest confidence that every measure will be adopted by the Government for facilitating the execution of this business. The Commissioner appointed for the District in which the State of North Carolina is included is directed to give seasonable notice of the time when he will attend in person, or send on a proper Clerk to receive and examine such accounts and vouchers as the State may be ready to furnish, and as the several States are by the Ordinance limited to a period for exhibiting their respective Claims against the Union of whatever Nature the same may be, we doubt not they will be impressed with the importance of losing no time in bringing forward their Accounts.

We have the Honor to be, with great respect.

Your Excellency's most Obedt. & Humble Servt's,
SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

HONBLE. WILLIAM BLOUNT TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, May 28th, 1787.

SIR:

Soon after the arrival of Mr. Spaight at Philadelphia he informed me by letter that he had brought with him a Commission for me to attend the Convention at the place and Stead of your Excellency. I had been for some time before, and at this time, too indisposed to undertake a journey so far as Philadelphia; at present I am much on the Recovery and shall leave this in a few days to attend the duties of that appointment. On the 24th Inst., only Six States had appeared, among which North Carolina included and had four Members present; on the 25th there were Seven and at that period the Delegates from Massachusetts had passed through this City. North Carolina being so strongly represented and no Convention being formed until this day (if to-day) my absence as yet have been certainly of no moment, indeed I have not the Vanity to suppose my presence and assistance will be of much avail in so arduous a Business as the Amending the Confederation. For some days past not more than five States have appeared on the Floor of Congress Chamber, it is Gener-

ally believed that there will not appear a Sufficient Number to form a Congress until the Convention rises. Colo. Burton arrived here on about the 14th Instant and left us about the 25th to return to his own house, he wrote you by post the day he set out.

I have the Honor to be,

Your Excellency's most Obedt. Huml. Servt.,
WM. BLOUNT.

LETTER FROM GOVERNOR CASWELL ADDRESSED TO THE COUNTIES OF SULLIVAN, GREENE, WASHINGTON & HAWKINS.

To the Inhabitants of the Counties of Washington, Sullivan, Greene and Hawkins:

FRIENDS AND FELLOW CITIZENS:

I have received information that the former Contention between the Citizens of those Counties respecting the severing such Counties from this State & erecting them into a separate, Free and Independent Government, hath been again revived notwithstanding the lenient & salutary measures held out to them by the General Assembly in their last Session, & some have been so far misled as openly & avowedly to oppose the due operation & execution of the Laws of the State, menacing & threatening such as should adhere to the same with violence; and some outrages on such occasions have been actually Committed whereby sundry of the good Citizens of the said Counties have been induced to signify to Government their apprehensions of being obliged to have recourse to arms in order to support the Laws and Constitution of this State.

And notwithstanding the conduct and Behaviour of some of the refractory might Justify such a measure, yet I am willing to hope that upon reflection and due consideration of the Consequences which must issue in case of the shedding of blood among yourselves, a moment's thought must evince the necessity of Mutual Friendship and the Ties of Brotherly love being strongly cemented among you. You have, or shortly will have if my information is well grounded, enemies to deal with which may require this cement to be more strong than ever; your whole force may become necessary to be exerted against the common enemy as 'tis more than probable they may be assisted by the subjects of some foreign power, if not publicly they

will furnish arms and ammunition privately to the Indian tribes to be made use of against you, and when your neighbors are so supported and assisted by the Northern and Southern Indians, if you should be so unhappy as to be divided among yourselves what may you not then apprehend? I dread the event.

Let me entreat you to lay aside your party disputes, they have been as I conceive and yet believe will be if continued, of very great disadvantage to your public as well as private concerns whilst those disputes last. Government will want that energy which is necessary to support her Laws & Civilization in place of which anarchy and confusion will be prevalent & of course private interest must suffer.

It certainly would be sound policy in you for other reasons to unite. The General Assembly have told you whenever your wealth and numbers so much increase as to make a separation necessary they will be willing the same shall take place upon Friendly & reciprocal Terms; is there an individual in your Country who does not look forward in expectation of such a day's arriving. If that is the case must not every thinking man believe that this separation will be soonest and most effectually obtained by unanimity. Let that carry you to the quiet submission to the Laws of No. Carolina, till your numbers will justify a General application & then I have no doubt but the same may be obtained upon the principles held out by the Assembly, nay 'tis my opinion that it may be obtained at an earlier day than some imagine, if unanimity prevailed amongst you.

Altho' this is an official Letter, yet you will readily see that it is dictated by a friendly and pacific mind, don't neglect my advice on that account, if you do you may repent it when 'tis too late, when the Blood of some of your dearest and worthiest Citizens may have been spilt and your Country laid waste in an unnatural and Cruel Civil War, and you Cannot suppose, if such an event should take place, that Government will supinely look on and see you Cutting each other's throats without interfering and exerting her powers to reduce the disobedient.

I will conclude by once more entreating you to Consider the dreadful Calamities and Consequences of a Cruel War. Humanity demands this of me, your own good sence will point out the propriety of it; at least let all animosities & disputes subside till the next Assembly, even let things remain as they are without pursuing Compulsory measures until then. I flatter myself that Honorable body

will be disposed to do what is just and right and what sound policy may dictate.

Given under my hand & seal at Kinston, the 31st day of May, 1787.

R. CASWELL.

TO THE COMMANDING OFFICERS OF THE COUNTIES OF WASHINGTON, GREENE AND HAWKINS.

(From Executive Letter Book.)

KINSTON, May 31st, 1787.

(Circular.)

SIR:

Enclosed is a Letter by me addressed to the Inhabitants of the Counties of Washington, Sullivan, Greene and Hawkins which I request you will be pleased to make public in your County, the design is to Conciliate the minds of the people, if possible.

I am very respectfully Sir,

Your most obdrt. Servant,

R. CASWELL.

GOV. CASWELL TO COLONEL ANTO. BLEDSOE.

(From Executive Letter Book.)

KINSTON, May 31st, 1787.

DEAR SIR:

Your two Letters of the 26th March and 4th May I have received, and I am sorry to inform you that Major Evans with the Troops raised on this side of the Mountains was at Richmond the 21st Current. Sundry of the officers appointed to that service have, I am informed by Major Evans, resigned & others have not been so alert and attentive as might have been expected, which has occasioned his delay; these misfortunes I hope will soon be removed by the appointment of other officers and thereby the Major will Compleat his force and proceed to the place he is directed to begin the Road.

The State of Matters in the Counties in Washington District is truly alarming, but I have flattering hopes from my pursuing the mode you recommended the minds of them people may yet be Con-

ciliated. I have addressed the Inhabitants of those Counties & stated matters in such a point of view that they must be obstinate indeed if they do not see the necessity of uniting, if for no defence, against their Common Enemy. Every account that I have received serve to justify an opinion that the Indians mean to carry on a General War with us and the reports appears very strongly to indicate they will be supported and supplied at least with Arms and ammunition by the subjects of some European powers; I hope the Cumberland settlement will be prepared agst. such an event, the murders committed there will surely induce the Inhabitants to be much on their guard & it will surely be the duty of the officers to recommend the closest attention to be paid to Military duty and to have every man capable of bearing Arms equipped, if possible, for the best defence.

I have not learned from the Convention that they have formed, only the State of Virginia was represented the 13th Inst. and only Colo. Spaight of our Deputies was arrived at Philadelphia then. Govr. Martin & Colo. Davie are gone on, Mr. Jones has resigned and Dr. Williamson appointed in his stead & gone forward. Mr. Blount is appointed in my stead, he was to leave Congress early in May when his six months' tour of duty would end and I have reason to believe he is before this attending the Convention.

I shall take pleasure in communicating to you any occurrences which I think may be of use or agreeable to you.

I am most respectfully, Dr. Sir,

Your most Obedt. Servt.,

RICHARD CASWELL.

GOV. CASWELL TO THE HON'BLE BRIGADIER GENERAL SHELBY.

(From Executive Letter Book.)

KINSTON, May 31st, 1787.

SIR:

Your Letter of the 4th Current came to my hands the 19th; the Superior Court was to set the 21st at New Bern, I therefore tho't that place the most suitable & convenient for the meeting of the Council and accordingly summoned them there the 22d, but it was the 28th before a Board was formed, which has occasioned the de-

taining of your Express to whom I have advanced twenty-four pounds.

I stated the situation of your Country to the Council and laid your Letter & every other information I possessed respecting the same before them for advice, the result of their deliberations I had the honor of enclosing you a Copy of, they may not answer your Expectation but I hope will prove satisfactory when I inform you upon what principles they acted. They think it would be very imprudent to add to the dissatisfaction of the people there by shewing a wish to encourage the shedding of blood as thereby a Civil War would eventually be brought on, which ought at all times to be avoided if possible, but more especially at the present, as we have great reason to apprehend a general Indian War; in such case there is no doubt but they will meet with support from the subjects of Foreign powers, at least they will be furnished with Arms and ammunition, & if the Northern and Southern Tribes should unite with your neighbors you will stand in need, they think, of all your force & therefore recommend unanimity amongst you if it can by any means be effected, as you will thereby be much more able to defend yourselves than you possibly can be when divided, let alone the circumstances of Cutting each others throats. Besides these it would be impracticable to raise an arm'd force here to be sent to your assistance at this Time if we come ever so much disposed thereto, for the following reasons, the people in general are now engaged in their farming business and if bro't out would very reluctantly march. There is no money in the Treasury to defray the Expences of such as might be called out, nor in fact, have we arms or ammunition, under such circumstances it would be unnecessary to attempt it.

I must therefore recommend to you the using every means in your power to Conciliate the minds of the people, as well as those who call themselves Franklinites as the friends and supporters of Government by the Measures you took with Mr. Sevier and his party of which you first acquainted me. Under the situation that things now are, if things could be dormant as it were till the next Assembly and each man's mind be employed in considering your common defence against the savage Enemy I should suppose it best. Wherever unanimity prevails among your people & their strength and numbers will justify an application for a separation, if it is general, I have no doubt of its taking place upon reciprocal and friendly Terms.

I have written a Letter to the inhabitants of the Counties of Washington, Sullivan, Greene and Hawkins, stating matters in such a point of view as the opinion of the Council, a Copy of which I have the honor to enclose you. Your Express also Carries a Letter for the Commanding officer of each of the Counties which you will be pleased to forward to them.

I have the honor to be, with

Great respect & Esteem, Dear Sir,

Your most Obedt. Servt.,

RICHARD CASWELL.

COL. ANTO. BLEDSOE TO GOV. CASWELL.

(From Executive Letter Book.)

KENTUCKY, June 1st, 1787.

DEAR SIR:

At this place I received accounts from Cumberland, that Since I last did myself the pleasure of addressing you that three persons have been killed at that place within seven miles of Nashville, and there is scarcely a day that the Indians do not steal Horses in either Sumner or Davidson Counties and am informed the people are exceedingly dispirited; had accounts that the several Northern Tribes, in Conjunction with the Creek Nation, has determined the destruction of that defenceless Country this summer & their hopes seem blasted as to Major Evans' assistance. Col. Robertson has lately been to this Country to get some assistance to carry a Campaign against the Chickamawgaw Towns and got some assurance from the several Officers, and the time appointed for the Rendezvous was fixed to the 15th Instant, but find the men cannot be drawn out at that season of the year. I have thought it my duty to ask your advice in the matter whether or not we shall have leave of Government to carry on such a Campaign if we can make ourselves able with the assistance of our friends, the Virginians, as they promise us immediately after harvest. I am fully convinced that it is the perfidious Chickamawgaws that annoy our frontiers, tho' some of them wish to have the Creeks charged with the whole of the damage. As it is always my desire to act advisedly, I should thank you to advise me as to carrying on an expedition as it appears to me & to the people in

the Counties of Davidson & Sumner, that nothing can give Security to them but to carry the War into the Enemy's own Country. Your Excellency will therefore please to advise or direct me on the subject, should self-preservation and the distress & Cries of a bleeding Country make it absolutely necessary to preserve it, from ruin & Destruction and compel us to do it before we can obtain the consent of the Executive, I shall hope the necessity will plead our excuse, & we may thereby not incur the displeasure of them or any Individual in the State. I flatter myself that the remoteness of our Situation plead our excuse, whilst I have the honor to be.

Yr. Exley's mo Obedt. Servt.,

ANTHONY BLEDSOE.

HON. JAMES WHITE TO GOV. CASWELL.

(From Executive Letter Book.)

FAYETTEVILLE, June 1st, 1787.

SIR:

As I am under the necessity of troubling you for your Warrant for that part of my Salary which remains due to me for going & returning from the Delegation, and for your Warrant also to enable me to proceed next Nov. as the Honbl. the Legislature was pleased to appoint; I take the liberty to trouble you, at the same time, with some dispatches which are the result of my tour to the Creek Nation, they may serve to throw some light on Indian affairs in that quarter, if they should be an object of your attention. For this reason I have left them unsealed which defect I flatter myself you will be good enough to supply and Transmit the Papers by the very Earliest opportunity to Congress. As Superintendent of Indian Affairs I should have informed your Excellency that I was instructed by Congress to promise their aid & protection to the Southern States, when ever their Indian affairs should require it, but that the Tranquility which the State enjoyed made such Information not Immediately Necessary. I have the Honor to be.

Your Excellency's obedt. & Humble Servt.,

JAMES WHITE.

GOV. CASWELL TO MAJOR THOMAS EVANS.

(From Executive Letter Book.)

KINSTON, 2d June, 1787.

SIR:

Your Letter of the 21st May by Mr. Markland, I have now before me, and I confess it gives me much uneasiness to find it dated at Richmond and to learn the causes of your delay.

I send you Commissions to supply the places of those who have actually resigned & also others to be filled in occasionally where vacancies happen. As I have nothing more in view than the good of the service you are engaged in I will not take upon me the appointment of a single officer, but leave that entirely to you, not doubting but you will be careful in appointing such as will be agreeable to yourself & the other officers under your Command, & after that attention is paid I think the most you mention is you can have your choice of the officers not receiving his Commission until he actually enlists the number of Soldiers which you shall stipulate is likely to produce good effect, but above all let me entreat you to pursue such measures as will get your men to the destined Rendezvous in the speediest most expeditious manner. Colo. Bledsoe has been a long time waiting on Holston to assist you with guides and in procuring provisions & other necessaries, I fear his patience before this is worn out, if so and he has gone to Cumberland you will miss him much as his general acquaintance there and on the way and with the Indians with his known attachment to the business you will be upon renders him the most proper person for your dependence and reliance on; I wish you to write him and let him know your movements on all occasions. Genl. Shelby & a number of other Gentln. in that Country I know will assist you all in their power, but it is the Interest of Colo. Bledsoe as well as his inclination to encourage & assist in this business. I have furnished your Contractor with Warrts. now to amount of one thousand pounds; the expences of the necessary expresses he must pay observing to take the Expresses rect. not only for the sum but the particular service he has performed for the same, indeed he cannot be too particular in his vouchers on all occasions; I am sure it will give more satisfaction to the General Assem-

bly if each voucher is so expressive as to explain itself or rather the charge raised from it.

I have considered the 14 section of the Act for raising Troops for the defence of Davidson County & am of opinion that the officers of the Battalion may proceed to the appointment of the officers of the Cavalry from among themselves or others and in case of the appointment falling on those of the Infantry their places to be supplied by other appointments, else the remaining Troops will not be officered sufficiently, one hundred and seventy-six Privates being too great a No. in my Judgment to be Conveniently and properly managed by two sets of officers. Pray let me have your return and write me your progress by all opportunities.

I wish you success in all your enterprises and am very respectfully, Sir,

Your most obed. Servant,

R. CASWELL.

GOV. CASWELL TO THE HON'BLE JAMES WHITE.

(From Executive Letter Book.)

KINSTON, June 4th, 1787.

SIR:

I am honored with yours of the first Inst. and thank you for the perusal of your dispatches for Genl. Knox, they shall be closed and sent to the post office, with some dispatches I have for Congress, in a day or two.

The Warrant you required at Fayetteville I made out there & enclosed to you under the care of Colo. Rowan, but least you should not receive it, I now send you one of the same Tenor, date and no., with a note at foot directing the Treasurer to take up one only.

I also enclose herewith a Warrant for 8 months allowance towards your next year's service, this is agreeable to a late Act of Assembly which directs the payment to be made at least two months before the service commences.

I have the Honor to be, very respectfully Sir,

Your most obedt. Servant,

RICHARD CASWELL.

TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS.

(From Executive Letter Book.)

STATE OF NO. CAROLINA, June 5th, 1787.

SIR:

I have the honor to acknowledge the receipt of your Excellency's letter, signed in Congress the 13th of April last, containing Resolutions recommending a repeal of all Acts and parts of Acts repugnant to the Treaty of Peace entered into between the United States of America and Great Britain, which I will take the earliest opportunity in my power of laying before the Legislature of this State, and I have not the smallest fear but the importance of the subject with the Cogent reasons assigned by Congress will have proper weight with that Assembly and produce the desired effect.

I have the Honor to be, with the greatest respect,

Sir, your most obed. Servant,

R. CASWELL.

GOV. CASWELL TO THE HON'BLE THE DELEGATES FOR NORTH
CAROLINA IN CONGRESS.

(From Executive Letter Book.)

NO. CAROLINA, June 5th, 1787.

GENTLEMEN:

I had the Honor to receive your two letters of the 18th of April last, the one of them on the state of Politics & business before Congress which I sincerely thank you for and promise myself the pleasure of writing fully in answer at some future day.

The other by Mr. Stewart on the subject of our public Tobacco of which he has received at Washington 227,5+3 lb. net, which was more than his vessel could carry out, and I have not heard of the arrival of any other, I sent express to Colo. Whitaker and Colo. Rowan who have been attending at very Considerable expence to deliver the Tobacco at Edenton & Wilmington, but no vessels coming for it they have returned to their respective homes, not well pleased I presume at their disappointment, Especially as they are now out of their office & the season of the year has required their attention to

their private concerns; enclosed is Mr. Stewart's receipt for the Tobacco which you will be pleased to obtain a Cr. for at the Treasury according to Contract; a duplicate of this receipt is sent to the Treasury Board.

The Journals of the Assembly are not yet printed & I have not been able to procure the Laws of last Session, when the Printer is pleased to furnish them they shall, with the Laws of the former Session, be forwarded to you.

I have the Honor to be, with Great respect & esteem, Gentlemen,
Your most obedt. & humble servant,
R. CASWELL.

GOV. CASWELL TO THE HONBLE COMMISSIONERS OF THE BOARD
OF TREASURY.

(From Executive Letter Book.)

NORTH CAROLINA, June 5th, 1787.

GENTLEMEN:

I had the Honor of receiving some time past, your Letter of the 2d February enclosing a particular statement of the contingent expenditures of the United States from the 1st of January to the last Decr., 1786, which shall be laid before the legislature in their next Session. I have the Honor to be, with great respect, Gentlemen,

Your most obedt. and very humble servant.

R. CASWELL.

GOV. CASWELL TO THE HONBLE COMMISSIONERS OF THE BOARD
OF TREASURY.

(From Executive Letter Book.)

NORTH CAROLINA, 5th June, 1787.

GENTLEMEN:

I have the honor to enclose herewith a receipt signed by Mr. Robert Stewart, agent for Messrs. Constable, Rucker & Co., for 227,543 lb. net Tobacco on accot. of this State, which please to pass to the Credit of the same in their accot. with the United States agreeable to the Contract entered into by the Delegates of this State with that

house, & advise me therefore. I have the Honor to be, with great respect, Gentlemen,

Your most obedt. and very humble Servant,
R. CASWELL.

GOV. CASWELL TO HON. CHAS THOMSON.

(From Executive Letter Book.)

NO. CAROLINA, June 5th, 1787.

SIR:

I have the honor of acknowledging the receipt of your Letters as follows, to-wit.:

2d February, with two Volumes of the Journals of Congress for 1786, and two Indexes for the Volumes Received & informing of the election of the Hon'ble Genl. St. Clair President.

21st February, enclosing an Act of Congress of the same day recommending a Convention of Delegates to revise the Articles of Confederation.

13 April, with sundry Resolutions of Congress respecting the Treaty of peace between the United States of America and Great Britain & also a Letter on the same subject signed by His Excellency the President.

Sundry Resolutions of Congress containing reductions in the Civil Department and establishing sundry allowances.

25th April, enclosing Resolutions as follows: one empowering the Board of Treasury to contract for coining a certain quantity of Copper, a second for the sale of Lands already surveyed in the Western Territories, a third extending the privilege of sending and receiving Letters and Packets free of Postage to the Members of the Convention. I have also received List of the Representation in Congress for February & March Last.

I have the Honor to be, most Respectfully, Sir,
Your most obedt. Servant,
R. CASWELL.

HON. WM. BLOUNT TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, June 8th, 1787.

SIR:

Your Excellency will be informed by the enclosed papers that a fourth Hogshead of Deerskins has been received here from Georgia belonging to the State of North Carolina and in what manner it has been disposed of, which I hope will meet the approbation of yourself and the Legislature. I have the Honor to be,

Your Excellency's Most Obedient Servant,

WM. BLOUNT.

HON. WILLIAM BLOUNT TO JNO. G. BLOUNT.

(From Executive Letter Book.)

NEW YORK, June 8th, 1787.

Mr. John Gray Blount:

SIR:

Annexed hereto you will find an account of Sales of Hogshead of Deerskins belonging to the State of North Carolina which has netted £44.10, there is also annexed an account of twelve pieces of Linens received from Messrs. Atkinson, the purchasers, in payment for them amounting to £44.2.4. This is the fourth Hogshead of Skins that has been received here in part pay for the Goods by me sold belonging to the State of North Carolina to Bryan Ward. The Linens I Ship on Board the Vessel Commanded by the Bearer hereof, Captain Bartlet, bound to New Bern, to your address and to the care of Captain John Daves. I beg you will sell them or cause them to be sold for the Most Obtainable in money or the Governor's warrants on the Treasury, so as to have the amount of Sales in hand by the sitting of the next Assembly, that is if the Governor does not give you any Directions respecting them and if he does you will please attend to them in preference. A Desire that the Skins that are received from Mr. Ward should refund to the Treasury as much money as the Goods sold him Cost, has induced me to direct the money arising from the Sales to be laid out in Goods here, indeed the Skins would

not have commanded more than 16 per lb. at three Months' Credit to have been paid for in money. Linens I do not suppose will Bear so high a profit as some other Articles, but they bear the highest that could be purchased for Skins at 18d per lb. and they are laid in as low as a Cent which is very low. I fear you will Complain that I have put this Business into your hands, but I beg you Excuse it and make or cause to be made by some sure hand the Best possible sales of the Linen.

I am,

Your Obedient Servant,

WM. BLOUNT.

(Copy.)

Sales of One Hogshead of Deerskins received by the Sloop Polly, Captain Scammerhorn from Savannah, on account of the State of North Carolina, by order of the Honorable William Blount, Esq.

To Messrs. Atkinson, 1 Hogshead, Viz.:

240 Skins.....826 lb.

Tare.....158

668 lb. at 18d	£50	2	0
12 Skins much Damaged, 20 lb., at 6d.....		10	0
	£50	12	0

Charges, Viz.:

Cash paid by Captain Scammerhorn on their Acc't in

Georgia	£1	16	0
Paid said Captain freight	1	8	0
Paid for a permit		2	0
Cartage & Cooperage		3	6
Public Weigh Master		2	0
Commission	2	10	6
	£6	2	0

Amt. of Sales

Charges, &c.

Nett Sales

New York, June 8th, 1787,

Errors Excepted.

JOHN RAMSEY.

(Copy.)

NEW YORK, June 8th, 1787.

Mr. John Ramsey,

Bot of J. & F. Atkinsons.

4. Pieces Linen, 26..97, at 2 10.....	£13	14	10
4 Ditto, 27..98 at 3s	14	14	00
4 Ditto, 28..99, at 3 2.....	15	13	6
	<hr/>		
	£44	2	4

COLOS. ANTO. BLEDSOE AND JAMES ROBINSON TO GOV. CASWELL.

(From Executive Letter Book.)

CUMBERLAND, June 12th, 1787.

DEAR SIR:

Nothing but the distress of a bleeding Country could induce us to trouble you on so disagreeable a Subject, tho' Your Excellency have enjoined on us to let you know from time to time if anything should happen in this Quarter of the world; in Obedience thereto Inclosed you have a list of the killed in this quarter since our departure from this Country to the Assembly; this with the Numbers wounded, with the large numbers of Horses stolen from the inhabitants has in a degree Flagged the Spirits of the People. The delay of the Troops allotted for the protection of the Country has enduced us to request of your Excellency to order them forward without clearing the road, and the People from this Country will give them assistance in that Business at a time when they shall find themselves not so much harassed by the Indians. A Report now, and has prevailed throughout this Country, and we are induced to believe that the Spaniards are doing all they can to encourage the several Savage Tribes to war against the Americans, it is certain the Chickasaws inform that Spanish Traders offer a reward for Scalps of the Americans. The Cherokees when I (Anthony Bledsoe) was in the Nation, was told by the Chiefs in Council that the Spaniards had offered them Match coats, Blankets, powder, Lead, Tomy Hawks, knives, &c., but recommended it to them to lye still and not go to war with the White Peo-

ple, as they lived so near them, but they were doing all they possibly could to encourage the Creeks, Chickasaws & Choctaws to war against us, though the Chickasaws and Choctaws manfully refuses, but say they must come into their measures unless we supply them with Trade. The Creeks have received large supplies of Ammunition, &c., and part of that Nation are ruining this Country; the vast Numbers of Horses taken from this part is incredible and we have doubts without Government gives some assistance that it will be one of the most distressed places that has been in all the United States; we are requested by the People to address your Excellency on this subject, well knowing your friendly intention to this Country, in hopes that your better judgment will point out some mode for the protection of it. A disorderly set of French & Spaniards Traders are continually on the Tennessee that we actually fear are a great means of encouraging the Indians to do us much mischief. Might it not be of some consequence that your Excellency would mention this Subject to the Spanish ambassador at New York, as we have it from undoubted authority they have stimulated several Savage Tribes to commit Hostilities in this Country, though we flatter ourselves it is not the act of those in the first authority from that Court; we should wish to take some measures to remove those disorderly Traders from the Tennessee & wish your Excellency's advise in this matter. You will please forward your orders on by Express, whilst we have the honor to be,

Your Excellency's most Obedt. Huml. Servts,
 ANTHONY BLEDSOE,
 JAMES ROBINSON.

A LIST OF THE KILLED.

November—Cornelius Rundle.
 December—Nan. Thomas, John Thomas.
 February—William Price & Wife.
 March—William Bush, Joseph Bowman.
 April—Thomas Ramsey, John Buckannon, William Multherin, William Colliers.
 May—Samuel Lewis.
 June 2nd, Daniel Dunham; 3rd, Lazrus Wallace; 6th, James Hall; 11th, Mark Robinson.

HON. RICHARD DOBBS SPAIGHT TO GOV. CASWELL

(From Executive Letter Book.)

PHILADELPHIA, 12th June, 1787.

DEAR SIR:

I should have done myself the pleasure of writing to your Excellency oftener than I have done, but not being at Liberty to Communicate anything that passés in the Convention, I have nothing to write about.

The time it will require for the Convention to finish the business they have before them being entirely uncertain the deputies are of opinion that a further advance of two months' Salary will be necessary, and have wrote to your Excellency on that Subject by this Post, should your Excellency think proper to grant us warrants for two months' Salary in addition to those we have already drawn, I shall be Much Obligated to you to put mine in the hands of Mr. John G. Blount, whom I have wrote to requesting him to take the Trouble of receiving it for me, and Changing & remitting it to me. No damage or loss can arise to the State from an advance as the Deputies account for the Sums they receive, and it is much better they should have to refund than to suffer for want of money to support them whilst they are in the Service of their Country, at a distance from their property and Connections.

I have the honor to be,

Your Excellency's most Obedt. & most Humble Servt.,
 RICHARD DOBBS SPAIGHT.

THE DEPUTIES IN CONVENTION FROM N. C. TO GOV. CASWELL.

(From Executive Letter Book.)

PHILADELPHIA, June 14th, 1787.

SIR:

By the date of this you will observe we are near the middle of June and though we sit from day to day, Saturdays included, it is not possible for us to determine when the business before us can be finished, a very large Field presents to our view without a single Straight or eligible Road that has been trodden by the feet of Nations. An

Union of Sovereign States, preserving their Civil Liberties and connected together by such Tyes as to Preserve permanent & effective Governments is a system not described, it is a Circumstance that has not Occurred in the History of men; if we shall be so fortunate as to find this in descript our Time will have been well spent. Several Members of the Convention have their Wives here and other Gentlemen have sent for theirs. This Seems to promise a Summer's Campaign. Such of us as can remain here from the inevitable avocation of private business, are resolved to Continue whilst there is any Prospect of being able to serve the State & Union. Your Excellency is sufficiently informed that the Money of our State is subject to Considerable Decrements when reduced to Current Coin, however it may serve as an Auxiliary by which some of the inconveniencies may be relieved which must necessarily attend our continuance abroad for a much longer Time than was expected; for this Reason we submit to your Consideration the Propriety of furnishing us with an additional Draught for two months' Service, in case of our return at an earlier period than at Present we have reason to apprehend, we are to Account, and perhaps it would be more desirable that we should have Occasion to repay a small Sum into the Treasury than that we should be under the Necessity of Coming Home, the Public Service unfinished from the want of supplies.

We have the Honor to be, with the utmost Consideration, Sir,
Your Excellency's most Obedt. and Very Humble Servants,
ALEX. MARTIN,
RICHARD D. SPAIGHT,
W. R. DAVIE,
HUGH WILLIAMSON.

MR. JNO. WHITAKER TO COLONEL WHITEHEAD.

(From Executive Letter Book.)

HALIFAX, June 16th, 1787.

DEAR SIR:

Inclosed are triplicated Receipts for One Hundred Hogsheads of Tobacco, the nett weight of which is One hundred & Ten thousand one hundred and four pounds, being all that was received when Mr. Stewart was present. A few days after the inspection took place

Mr. Stewart rec'd a Letter from Constable, Rucker & Co., that a Ship would Sail from Wilmington to take the whole of the Tobacco Stored there, and hope she would not meet with any delay; I being desirous to deliver the whole of the Tobacco, Endeavoured to prevail on him to delay going to Wilmington a few days, which I promised to do in Six days, but without Effect; after Mr. Stewart proceeded to Wilmington we began the Inspection by the Inspectors and there remains in the warehouse re-inspected and not received for 216,000, and of that there was refused after Mr. Stewart's departure five Hogsheads. I am happy to inform your Excellency that the loss on Tobacco from damage was small, that is chiefly derived from its long lying in the Warehouse; am informed by Gentlemen, Merchts., not more loss than usual for Tobacco to lose. Mr. Stewart was well pleased at the quality of the Tobacco in my possession and had they Continued would have marked a large quantity for another Market, except that of France. I completed the reinspection of the three hundred and ten Hogsheads in twelve days after getting at the work and as soon as the Agent returns from Wilmington & can Obtain Receipts they shall be forwarded without delay; it was with some difficulty I could procure those receipts I have, Mr. Stewart did not like to receive the Tobacco for Reasons he had no Vessel to carry it off, but in my opinion the whole of the Tobacco is at his Risque, for the State has done every thing enjoined her from the Contract. The five Hogsheads of Tobacco refused I sold for the best price I could get which was 25s per hundred; notwithstanding nothing has ever been said what was to be done with the Refused Part, I thought it most Expedient. Your Excellency will be pleased to advise me if the receipts are not drawn proper.

I am very respectfully,

Your Excellency's most Obedient Servant,
JNO. WHITAKER.

MR. WILLIAM R. DAVIE TO GOV. CASWELL.

(From Executive Letter Book.)

PHILADELPHIA, June 19th, 1787.

SIR:

By the last Mail we had the honor of addressing your Excellency on the subject of issuing warrants for a future allowance, as the time

of our Service here appeared every day less certain. Should your Excellency be disposed to issue the warrants I have taken the liberty to trouble Mr. Haywood with the Negotiations as I only wish the Money ready, should I be obliged to borrow here, to enable me to repay with Punctuality. We move slowly in our business, it is indeed a work of great delicacy & difficulty; impeded every step by jealousies and interest.

I have the Honor to be, with great respect,
Your Most Obedt. Servt.,
WILLIAM R. DAVIE.

GOVERNOR CASWELL TO JOHN WHITAKER, ESQR.

(From Executive Letter Book.)

KINSTON, June 19th, 1787.

DEAR SIR:

I have your Letter of the 16th Current enclosing Receipts for the delivery of 100 Hhds. public Tobacco, wt. net 110,104, from the Agent of Messrs. Constable, Rucker & Co. Your Conduct in this Business is perfectly agreeable to me, but I am sorry Mr. Stewart could not attend to the receipt of the whole of the Tobacco in your care, as the longer the delay is in the delivery so much longer are we without credit in the Books of the Treasury, which is rather an unfavorable circumstance to the State. The receipts are very right & also the disposition of the Tobacco refused.

I cannot Constantly interfere in the matter respecting the prisoners in Colo. Geddy's shevaldry, I recommend humane indulgence towards them which I since have learned was construed an interference in the executive with the judicial powers, tho' what I sayed on that occasion was only as my own private opinion which I hope will always continue same, that is err on the merciful side, and altho' punishments may be justly inflicted & I suppose they may be so in respect to these people, yet humanity shudders at the reflection of a confinement in a loathsome jail especially a person in a lower declining state of health; had I charge of those persons I would notwithstanding their transgressions show every Act of humanity that I could consistent with the duties of my office.

I am Sir,
Your most obedient Servant,
R. CASWELL.

MESSRS. HENRY TOOMER AND WM. NIELL TO GOV. CASWELL.

(From Executive Letter Book.)

WILMINGTON, 20th June, 1787.

Richard Caswell, Esqr. :

SIR :

Enclosed is a Copy of a Letter from William Blount, Esqr., which came to hand a few days ago, together with Seven Chests Hyson Tea belonging to this State, and also John Ramsey's Account Sales of 3 Hogsheads Deerskins Sold on account of this State agreeable to Mr. Blount's Instructions. I take the earliest Opportunity to inform you that I think 18s per lb. per the Chest, is the most that can be got at present for it, as several Chest of best Hyson have lately sold at that price, and from quantity imported into New York have every reason to expect that Tea will not rise. I have entered into Bond at the Collect's Office for the dutys. Any Orders that you may send respecting this Tea, shall be strictly attended to by, Sir,

Your Most Obedt. & Humb. Servts.,

HENRY TOOMER,
WM. NIELL.

GOV. CASWELL TO MR. HENRY TOOMER.

(From Executive Letter Book.)

KINSTON, 25th June, 1787.

SIR :

Your favor of the 20th Cr. I have received with its enclosures. Mr. Blount's price as fixed for the Tea is so much higher than that you intimate which may be obtained that I cannot, at present, say what may be best to be done with it. I presume it may bring a greater price elsewhere and as Mr. Blount is positive in his prices I do not think myself at liberty to authorize you to deviate from them until I make some inquiry as to the prices in other parts; in the meantime if the Tea will bring the lower price he sets, I hope you will sell it.

I am very respectfully, Sir,

Your most Obed. Servant,

R. CASWELL.

GOV. CASWELL TO CHARLES BRICE, ESQR.

(From Executive Letter Book.)

KINSTON, June 27th, 1787.

SIR:

I have your Letter of the 13th Inst. and should most willingly have answered your request by forwarding the Warrants for your Commission, but as I had granted warrants in favor of Colo. Long under similar circumstances which was much condemned by the Assembly as they suggested he had not finally accounted, tho' I granted his warrants for the Coms. on the sum actually paid in, that Body was of opinion it was wrong, I have since declined granting others unless where the Commissioners have fully accounted and paid up. If you think proper to pay up the Balance of your acct. into the proper offices on your producing the necessary Certificates, I will grant you warrant for the Comn. agreeable to the Act of Assembly, without having regard to the Resolve of the Assembly in 1785, supposing that to be done away as the Assembly in their last Session did not think proper to pass any Law on the subject.

I am very respectfully, Sir,

Your most obedt. Servant,

R. CASWELL.

RECEIPT FROM ROBERT STEWART.

(From Executive Letter Book.)

959 lb. Tobacco, Fayetteville.

NORTH CAROLINA,

WILMINGTON, June 28th, 1787.

I, Robert Stewart, Agent for the house of Constable, Rucker & Co., Merchants of New York, do hereby acknowledge that in consequence of a contract made and entered into by the Honorable Wm. Blount & Benjamin Hawkins, Esquires, two of the Delegates in Congress from North Carolina, on the part of the State, and Constable, Rucker & Co., Merchts. of New York, for the sale and purchase of certain Tobacco the property of the said State, and pursuant to a power of attorney from the said Constable, Rucker & Co., bearing date of 18th day of April, 1787, Constituting and appointing me

their Agent, and pursuant to the order of his Excellency the Governor of North Carolina, issued in consequence of such contract & power of attorney, I have this day received of Robert Rowan, one of the Commissioners on the part of the State of North Carolina, at the Town of Wilmington, five Hundred and three Hogsheads of Tobacco, the nett weight of which Amounts to Five Hundred and sixteen thousand nine hundred & fifty-nine pounds for and on account of the said Constable, Rucker & Co.

In witness whereof I have hereunto set my hand, having subscribed four receipts all of this tenor and date, one of which having taken effect the other three to be Void.

ROBERT STEWART.

Test: John Hogg.

GOV. CASWELL TO THE N. C. DEPUTIES IN CONVENTION.

(From Executive Letter Book.)

No. CAROLINA, 1st July, 1787.

GENTLEMEN:

Agreeable to your request I have this day drawn on the Collectors for two months' allowance to each of the deputies in service of the State in Convention, in addition to the four months' allowance formerly drawn for. Your Task is arduous, your undertaking is of such magnitude as to require Time for Deliberation and Consideration, and altho' I know each Gentleman must sensibly feel for his own private concerns in being so long absent from them, Yet the future happiness of the States so much depends on the determination of the Convention I am convinced your wishes to promote that happiness to your Country are such as to induce you to attend to the completing this business if possible. Any thing I can do which may tend towards making your stay agreeable shall be most chearfully attended to & I shall be most happy at all times in rendering you service or receiving any communications or advice from you. Mr. Spaight's and Mr. Williamson's are forwarded to the Gentlemen by them directed; Mr. Martin's and Mr. Davies' remain with me subject to their order. I have the honor to be, with the greatest esteem and regard, Gentlemen,

Your most obed. & very humble Servant,

R. CASWELL.

COLO. JAMES ROBERTSON TO GOV. CASWELL.

(From Executive Letter Book.)

NASHVILLE, July 2d, 1787.

SIR:

I had the pleasure of receiving your Excellency's letter to Col. Bledsoe & myself in which you was so obliging to mention you would render every good in your power to Our Country; never was there a time in which your Excellency's assistance and attention was more necessary than the present. The war being exceeding hot in the Spring I marched some men near the Chickamawgaws, but wishing to avoid an open war, returned without doing them any Mischief, leaving a letter containing every offer of peace that could be made on honourable terms, in Consequence of which they sent a Flag to treat tho' I have every reason to doubt of the Sincerity, as several persons were killed during their Stay & one man at my house in their sight. They imputed the mischief we suffer to the Creeks. A few days after their departure my Brother Mark Robinson being killed near my house, I tryed the advice of the Officers, Civil and Military, raised about 130 men and followed their tracks near the lower end of the Mussle shoals where some Indians discovered us, fired on our back picket and alarmed a small Town of Cherokees. We found where we crossed the Tennessee pictures of two Scalpes made a few days before which Scalps we were afterwards informed were carried into said Town by Seven Cherokees who were there when we attacked them. Though they constantly kept out spies we had the good fortune to cross Tennessee and go 18 Miles down the river, till in sight of the Town, before the Indians Discovered us; we made a rapid charge and entirely defeated them, the attack began at the Mouth of a large creek, we forced them into the Creek and river & what escaped either got off in boats or swam the river, about 20 were killed & several wounded. The whole Town, as we were afterwards informed by a Frenchman who we found there, had been Counseling three days at the instigation of a principal Creek chief and had unanimously agreed to fight us if we crossed the Tennessee.

From what passed at this Consultation I have every reason to believe the Creeks totally averse to peace notwithstanding they have had no cause of offence; we have been exceedingly particular on

giving them no reason to Complain. Their force Consisted of 10 Creeks & 35 Cherokee Warriors together with nine Frenchmen, chiefly from Detroit, who have joined the Indians against us. Among the dead was the Creek chief before mentioned Mischievous, Cherokee Chief, three French men and a French woman who was killed accidentally in one of the Boats.

In this Action we lost never a man but a party of 50 men who was sent to the Mouth of Dutch river was there attacked by a large Number of Indians & we had one man killed and 8 wounded. We were piloted by two Chickasaws in this Expedition, their Nation seem on every occasion our friends and if it were possible to supply them with trade at the Chickasaw Bluff there is no doubt but they and the Choctaws would find full imployment for our Enemies. From the constant incursions of the Indians I have been obliged to keep the Militia very much in service on scouts, Guards, &c., and have been under the necessity of promising them pay, without which I am persuaded the Country would have totally broke as many have done already, and hope you will approve of the promise I made the Inhabitants.

Sumner County seems in peace compared with this being more out of the Indian's range. I have not an opportunity of seeing Col. Bledsoe, or I make no doubt but he would join me with informing your Excellency that our situation is at present deplorable, deprived of raising subsistence and Constantly harassed with duty. Our only hope is the Troops promised us by the General Assembly, but have yet no news of them. I earnestly beg of your Excellency to forward them with all possible expedition. I hope your Excellency will by Express or otherwise favor me with an answer.

I am with respect, Your Excellency's
Most Obedient Servt.,

JAMES ROBERTSON.

I have no opportunity of sending this but by express & hope your Excellency will give him an order on the Treasury for his Service.

J. ROBERTSON.

HON. CHARLES THOMSON TO GOV. CASWELL.

(From Executive Letter Book.)

(Circular.)

OFFICE OF SECRETARY OF CONGRESS,
July 2d, 1787.

SIR:

An absence, with which Congress was pleased to indulge me in the beginning of May for the transaction of some private business, having interrupted the regular Monthly returns, I have now the honor of transmitting to your Excellency a state of the Representation in Congress for the Months of April, May and June.

I send also herewith enclosed an Act of 3d May repealing the requisition of 21st October last; an Ordinance for settling the Accounts between the United States & Individual States passed the 7th of May, & two Copies of the Journals from the first Monday in November to the 10th May inclusive, one for the Legislative and the other for the Executive branch of Government.

With the highest esteem & respect,

I have the honor to be Your Excellency's most
Obedient & most Humble Servt.,
CHAS. THOMSON.

HON. JOHN JAY, SEC'Y OF FOREIGN AFFAIRS, TO GOV. CASWELL.

(From Executive Letter Book.)

OFFICE FOR FOREIGN AFFAIRS,
3d July, 1787.

SIR:*

The paper herewith enclosed contains Extracts from Letters which I received Yesterday from the Honorable Mr. Adams. The Nature of the information they convey is such that I think it my duty to transmit it to your Excellency without waiting for an Opportunity of previously communicating it to Congress, who for many weeks past have not been able to make a house.

I have the Honor to be, with great Esteem,
Your Excellency's most Obedt. & humble Servt.,
JOHN JAY.

DEPUTIES FROM N. C. IN CONVENTION TO GOV. CASWELL.

(From Executive Letter Book.)

PHILADELPHIA, July 7th, 1787.

SIR:

The Convention having on the 26th of last Month finished the outline of the Amendments proposed to the Federal System, the business was of course Committed for detail and we have the pleasure to inform your Excellency that the report was received on yesterday. From the progress, which has already taken up near three months; we are induced to believe the result of our deliberations will shortly be presented to the United States in Congress and as they are only to consider whether the System shall or shall not be recommended to the States, the Business cannot Remain long before them. It is certainly to be desired that they may be ready to pass upon this subject before the end of the Federal year, otherwise the Report of the Convention, and Consequently of Congress, cannot meet our Assembly in Time next regular adjournment, and we have experienced the difficulty of calling them together at another time. We think it will therefore be of importance that the States in General, and that our State in particular be represented in Congress during the Months of September & October and submit to the Consideration of your Excellency whether it would not be proper to expedite the attendance of those Gentlemen whose duty it may be to serve in Congress at this time. We understand that Mr. Hawkins having taken his tour of service is obliged to return to Carolina immediately & think it probable Mr. Blount may also go home when the Convention rises; in this case the State would not be represented at a Crisis important to the prosperity & happiness of the Union, perhaps to the existence of the States, unless the other Delegates arrive in due Time.

We have the honor to be,

With the greatest respect & esteem,

Your Excellency's Most Obedt. & humble Servts.,

ALEX. MARTIN,
RICH. D. SPAIGHT,
WILLIAM R. DAVIE,
H. WILLIAMSON.

HON. WILLIAM BLOUNT TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, July 10th, 1787.

SIR:

On the 18th of June Mr. Hawkins & myself left this for Philadelphia, on my arrival I took my seat in Convention and he agreed for his passage to Petersburg. After having been there a few days, we received a Letter from Charles Thomson informing us that our presence would Complete Seven States in Congress and that a Congress was absolutely Necessary for the great purpose of the Union. Whereupon we returned here on the 4th Instant & formed a Congress and we Considered ourselves bound to Continue until some other State comes up, of which we are in hourly Expectation, and then I shall proceed to the Convention and he will return home.

I conceived it more for the benefit and honor of the State, in which Opinion my Colleagues in the Convention agreed, to return with Mr. Hawkins and represent the State in Congress than to Continue in the Convention especially as my Colleagues in that Body were Generally unanimous and Competent to the Purposes of their Mission. In this instance I hope my Conduct will meet the approbation of Your Excellency and my fellow Citizens.

I have the honor to be,

Your most Obedt. & very Humbl. Servant,
WM. BLOUNT.

HON. WILLIAM BLOUNT TO WM. CONSTABLE, ESQ.

(From Executive Letter Book.)

NEW YORK, July 10th, 1787.

SIR:

You can be no stranger to the Various Reports and conjectures that are formed and circulated respecting the non-acceptance or non-payment of some of Mr. Morris' Bills, drawn on your Partner Mr. Rucker, and that the further these reports travel from Mr. Morris and yourself the distant they will be from Truth, hence by the time they reach North Carolina he will be represented as Bankrupt;

and as it will be of consequence to the feeling of my Colleague and myself that the truth should be told in preference, I submit it to you whether it could not be more beneficial to you if you would send me a Copy of the Circular Letter you showed me this morning to the end that I may forward it to the Governor.

I am yours, &c.,

WM. BLOUNT.

HON. BENJAMIN HAWKINS TO GOV. CASWELL.

(From Executive Letter Book.)

NEW YORK, the 10th July, 1787.

DEAR SIR:

I wrote your Excellency in June and informed you of my intention to return to North Carolina immediately on the arrival of Mr. Burton, and accordingly I set out as early as practicable by the way of Philadelphia. Mr. Burton & Mr. Ashe having thought proper to return to North Carolina, for reasons which they did assign to you, the State for a short period was unrepresented.

It being of great importance to the Union at this time particularly, that Congress should be and Continue in Session, His Excellency Richard Caswell, the Members present and the Secretary wrote after me and Mr. Blount & requested our return. The Letters reached me on the eve of my departure for Virginia, and altho' I had a scanty means of support, having not drawn on the public resources and my own being nearly exhausted, yet I determined to return, induced thereto in a great measure from a hope of being able to procure some aid from the Union towards the protection of our Western Citizens and of securing and preserving our right to the free and common use of the Navigation of the Mississippi.

The first we find to be impracticable for the want of information, and our having but seven States represented in Congress. But the latter which is very interesting to the Western Citizens of the Southern States if it regards this peace and welfare, has at length from a variety of Circumstances unnecessary, as well perhaps as improper to relate, been put in a better situation than heretofore. As soon as another State shall arrive and in the expectation of the return of Mr. Ashe and Mr. Burton agreeable with their promise, I shall set

out again for North Carolina & Mr. Blount to the Convention in Philadelphia.

The Secretary for Foreign Officers will send you some Information from Mr. Adams of an attempt to Counterfeit our Currency in Great Britain. With that Kingdom we have no prospect of a Commercial Treaty. It may be deemed unnecessary & important in me to say (although I concur in opinion with the most respectable of our Citizens) that it is indisputably necessary for the well being of the Southern States that they should keep up respectable representatives in Congress until their Rights are perfectly Secured.

I have the honor to be,

With great & sincere Esteem, Dear Sir,

Your Excellency's most Obedt. & Humble Servt.,

BENJ. HAWKINS.

FRANCIS CHILD, ESQUIRE, TO GOV. CASWELL.

(From Executive Letter Book.)

COMPTROLLER'S OFFICE,
KINSTON, July 11th, 1787.

SIR:

I beg leave to inform your Excellency that agreeable to a Resolve of the last General Assembly I intend to move my Office up to Hillsborough some time before the next fall, and shall set off for that place next week in order to accommodate myself with an Office & to engage waggons for the purpose of Conveying the papers from this to that place. When the General Assembly passed the Resolve it was just on their breaking up, and in the hurry of Business.

I suppose they forgot to say I should be furnished with the means of removing the Office, tho' they all (that I have spoken to) say that 'twas meant that I should. And as it will take 5 or 6 wagons to remove the papers I am to request the favour of your Excellency to grant me a warrant on the Treasury for such a sum as you will think will be necessary to pay the Expence of Transporting the papers from Kinston to Hillsborough, & any sum that I may receive for this

purpose I will faithfully account for with the next General Assembly.

I am, with much respect, your Excellency's
Most Obedt. Humble Servt.,
FRANS. CHILD, Compt.

COMMISSIONERS ON THE CONTINENTAL BOARD OF TREASURY.

(From Executive Letter Book.)

No. CAROLINA, July 11th, 1787.

GENTLEMEN:

I have the Honor of enclosing you herewith a receipt signed by Mr. Robert Stewart, agent for Messrs. Constable, Rucker & Co., for one hundred Hogsheads of Tobacco weighing 110,104 lb. net, part of our public Tobacco delivered him by Mr. John Whitaker at or near Edenton; the remainder, 210 Hogsheads, are reinspected at that place and ready to be delivered, please to pass to the credit of this State the quantity now receipted for, a duplicate of the receipt is forwarded. I am Gentlemen, with great respect,

Your most obedt. & very humble Servt.,
R. CASWELL.

TO THE DELEGATES OF N. C. IN CONGRESS.

(From Executive Letter Book.)

No. CAROLINA, July 11th, 1787.

GENTLEMEN:

I have the Honor to enclose you a receipt signed by Mr. Robert Stewart, agent for Messrs. Constable, Rucker & Co., to John Whitaker the Comr. at Halifax, for one hundred Hogsheads of Tobacco weighing 110,104 lb. net which you will be pleased to see passed to the Credit of this State at the Board of Treasury, agreeable to Contract. To that Board I have also enclosed a duplicate receipt this day for the said quantity of Tobacco.

I am with esteem & Respect, Gentlemen,
Your most Obedt. & very humble Servant,
R. CASWELL.

MR. WILLIAM CONSTABLE TO HON. WM. BLOUNT.

(From Executive Letter Book.)

NEW YORK, July 11th, 1787.

MY DEAR SIR:

I send you enclosed a Copy of a Circular Letter which our house have written to our European Correspondence. With respect to the Tobacco to be received from the State of North Carolina the Treasury Board have agreed with the Delegates to Credit the Account of the State on the receipts of our States. We have given the Board Bills of Exchange on Holland payable in November next which will be punctually discharged; to avoid all risque of disappointment in the payment of them Mr. Rucker himself will be in Amsterdam, he will embark next week for Havre de Grace. I have the honor to be, with respect & esteem, Sir,

Your most Humble Servant,

WM. CONSTABLE.

A Copy of the Circular Letter mentioned in the above Letter of Mr. Constable of the 11th Instant.

It is with great pain that we mention a late disagreeable event. Our Mr. Rucker, who had been for some time past established in London, came under considerable acceptances for Mr. Morris of Philadelphia relying for the discharge on funds to be derived thro' Messrs. Le Coutents & Co., of Paris, from the Tobacco shipped by Mr. Morris in Consequence of his Contract with the Farmers General of France.

The weather last winter was such as greatly to impede the Shipments of Tobacco purchased by Mr. Morris's Agents in Maryland and Virginia. The uncommon storms which raged in the European Seas destroyed some and injured many Cargoes, others were driven into the ports of Britain, Ireland and Holland, and detained for purpose of repairs to the Ships, &c. From all these Circumstances it happened that his Bankers in Paris became Considerable in Advance & in April last informed Mr. Rucker that he must not expect any further Supplies until more Cargoes should have arrived. Immediately on the receiving this Intelligence he proceeded to Paris but found on his arrival that the Changes in administration and Cir-

cumstances connected therewith had thrown everything into Confusion and Occasioned such a General Distrust that the most solid houses were obliged to raise money at a discount of from ten to twelve & half per cent. Being unable to prevail on Messrs. Le Countents & Co. to make further advances and his acceptances being heavy he hastily determined to leave Europe.

In consequence he went back to London, Appointed an Attorney with Orders to continue his House & business, wrote assurances to the Bill Holders, his Bankers & others to be delivered after he should come away, paid his acceptances up to the fifth of May and embarked in the French Packet at Havre de Grace. His object in coming to this Country was to communicate to Mr. Morris the state of things in Europe and to forward the Cargoes of Tobacco so as to Place the needful funds in London for the discharge of the Bills drawn on him. He arrived here on the 26th of June and proceeded to Philadelphia, finding there that due provision for those Bills had been made the object of his Voyage is Accomplished and he will return by way of Paris to London and close all his transactions there in a proper Manner. With this View he is to embark in a few days in a vessel bound to Havre de Grace from Philadelphia, and in hopes he may reach London in season to prevent some of the disagreeable Consequences Naturally to be expected from his Precipitate Retreat. We make no reasoning on this subject but think it a duty to you as well as ourselves to make the Speediest Communication, assuring you at the same time that our funds are by no means diminished, and we trust that our Credit is not impaired for we feel ourselves worthy of Confidence and therefore expect it will be reposed in us. You will oblige us by bringing what we have said to the test of Enquiry as far as the Same may be Convenient, and by communicating to others the Result on any Proper Occasion.

HON. WILLIAM BLOUNT TO GOVERNOR CASWELL.

(From Executive Letter Book.)

NEW YORK, July 12th, 1787.

SIR:

Various Reports having been Circulated on the reasons for the return of Mr. Rucker from Europe, I thought it advisable to write to

Mr. Constable for such a Statement thereof as he might choose to give. Inclosed You have the Correspondence of the Truth of which I have the fullest Reliance. You know that we shall have credit on the Books of the Treasury on the receipt for the delivery of the Tobacco. Nevertheless I have judged it necessary to give you this information in Opposition to any reports unfavourable to the Credit of the Contractors.

I submit to your Excellency the propriety of Communicating this information to the Public in General, though it is intended by me only for your Satisfaction & that of your Friends.

I have the honor to be, your

Excellency's Most Obedient Servant,

WM. BLOUNT.

AN ORDINANCE FOR THE GOVERNMENT OF U. S. TERRITORY.

(From Executive Letter Book.)

Be it Ordained by the United States in Congress Assembled, That the said Territory, for the purposes of temporary government, be one district; Subject however, to be divided into two Districts, as future circumstances may in the Opinion of Congress make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their Children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them; And where there shall be no Children or descendants, then in equal to the next kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parents share; and there shall in no case be distinction between kindred of the whole and half blood; Saving in all cases to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate, and this Law relative to descendants and dower shall remain in full force until altered by the Legislature of the district.

And until the Governor and Judges shall adopt Laws as hereinafter Mentioned, estates in the said territory may be devised or be-

queathed by wills in writing, Signed and sealed by him and her, in whom the Estate may be, (being of full age) and attested by three witnesses; and real estates may be conveyed by lease & release, or bargain and Sale, Signed and Sealed & delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof be duly proved, and be recorded within one year after Proper Majistrates, Courts, and registers shall be appointed for that purpose; and Personal property may be transferred by delivery, saving however, to the French Canadian Inhabitants and other Settlers of the Kaskaskia, Saint Vincents, and neighboring Villages, who have heretofore professed themselves citizens of Virginia, their Laws and Customs now enforced among them, relative to the descent and conveyance of Property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years unless sooner revoked by Congress; he shall reside in the district, and have a freehold therein in one thousand acres of Land, while in the exercise of his office. There shall be appointed from time to time, by Congress, a Secretary, whose Commission shall continue in force for four Years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein in five hundred Acres of land, while in the exercise of his office; it shall be his duty to keep & preserve the Acts and Laws passed by the Legislature, and the Public records of the district, and the proceedings of the Governor in the Executive department, and transmit authentic copies of such acts & proceeding every Six Months to the Secretary of Congress: There shall also be appointed a Court to consist of three Judges, any two of whom to form a Court, who shall have a common Law Jurisdiction and reside in the District, and have each therein a freehold of five hundred Acres of Land, while in the exercise of these Offices; and their Commissions shall continue in force during good behavior.

The Governor and Judges or a Majority of them, shall adopt and publish in the district such Laws of the Original States, criminal and civil, as may be necessary and best suited to the circumstances of the District, and report them to Congress from time to time, which Laws shall be enforced in the district until the organization of the General Assembly therein, unless disapproved by Congress, but afterwards

the Legislature shall have authority to alter them as they shall think fit. The Governor for the time being, shall be commander-in-chief of the Militia, appoint and Commission all Officers in the same, below the rank of General Officers; all General Officers shall be appointed & Commissioned by Congress previous to the Organization of the General Assembly. The Governor shall appoint all such Majistrates and other civil Officers, in each County or Township, as he shall find necessary for the Preservation of Peace and good Order of the same. After General Assembly shall be organized the Powers and duties of Majistrates and other civil Officers shall be regulated and defined by the said Assembly; but all Majistrates & other Civil Officers, not herein otherwise directed, shall, during the Continuance of the temporary Government, be appointed by the Governor. For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the District in which the Indian titles shall have been extinguished, into Counties & Townships, Subject however, to such alterations as may be made by the Legislature. So soon as there shall be five thousand free male Inhabitants of full age in the district, upon giving proof thereof to the Governor, they shall receive Authority, with time & place, to elect representatives from their Counties or Townships to represent them in the General Assembly; provided, that for five hundred free male Inhabitants there shall be one representative, and so on progressively with the Number of free male Inhabitants, shall the right of Representation Increase until the number of Representatives shall amount to twenty-five, after which the number and proportion of Representatives shall be Regulated by the Legislature; provided, that no person be eligible or qualified to act as a Representative unless he shall have been a citizen of one of the United States three years & be a resident in the District, or unless he shall have resided in the District three years, and in either Case shall likewise hold in his own Right, in fee simple, two hundred Acres of land within the same; provided also, that a freeholder in fifty Acres of Land in the District, having been a Citizen of one of the States and being resident in the district, or the like free hold and two years resident in the district shall be necessary to qualify a man as an elector of a rep-

resentation. The representatives thus elected shall serve for the term of two years and in case of the death of a Representative or removal from Office, the Governor shall issue a writ to the County or township for which he was a Member, to elect another in his stead to serve for the residue of the term. The General Assembly or Legislature shall consist of the Governor, Legislative Council, and a house of representatives. The Legislative Council shall consist of five Members, to continue in office five years unless sooner removed by Congress, and three of whom to be a quorum; and the members of the Council shall be nominated and appointed in the following manner, to-wit: as soon as representatives shall be elected the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the Districts, and each possessed of a free hold in five hundred acres of Land, and return their Names to Congress, five of whom Congress shall appoint and Commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from Office, the House of Representatives shall Nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four Months at least before the expiration of the time of Service of the Members of Council, the said house shall nominate ten persons, qualified as aforesaid, and return their Names to Congress, five of whom Congress shall appoint and Commission to serve as members of the council five years, unless sooner removed. And the Governor, Legislative Council and House of Representatives, shall have authority to make Laws in all cases for the good Government of the district, not repugnant to the principles and articles in this ordinance established & declared. And all Bills having passed by a Majority in the house, and by a majority in the council shall be referred to the Governor for his assent, but no bill or Legislative Act whatsoever shall be any force without his assent. The Governor shall have power to convene, prorogue & dissolve the General Assembly, when in his Opinion it shall be expedient.

The Governor, Judges, Legislative Council, Secretary, and such other Officers as Congress shall appoint in the district, shall take an Oath or affirmation of fidelity and of office; the Governor before the President of Congress, and all other Officers before the Governor. As soon as a Legislature shall be formed in the district the council &

house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress with a right of debating, but not of voting, during this temporary Government.

And for extending the fundamental principles of Civil and religious liberty, which form the basis whereon these republics, their Laws and Constitutions are erected, to fix and establish those principles as the basis of all Laws, Constitutions & Governments which forever hereafter shall be formed in the said territory, to provide also for the establishment of States, and Permanent Government therein, & for their admission to a share in the Federal Councils on an equal footing with the Original States, at as early periods as may be consistent with the general interest; it is hereby ordained and declared by the authority aforesaid, that the following Articles shall be considered as articles of Compact between the original States in the said Territory, and forever remain unalterable unless by common consent, to-wit.:

Article first. No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for Capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishment shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same and in the just preservation of the rights and property it is understood and declared, that no law ought ever to be made or have force in the said Territory that shall in any manner whatever interfere with or affect private Contracts or engagements, *bona fide* and without fraud previously formed.

Article the third. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and means of education shall be forever encouraged. The utmost

good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty they shall never be invaded or disturbed unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrong being done them, and for preserving peace and friendship with them.

Article the fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, Subject to the articles of confederation and to such alterations therein as shall be constitutionally made, and to all the Acts and ordinances of the United States in Congress Assembled, conformable thereto. The inhabitants and settlers on the said territory shall be subject to pay a part of the Federal debts contracted or to be contracted, and a proportional part of the expences of government to be apportioned on them by Congress, according to the same common rule and measures by which apportionments thereof shall be made on the other States; & the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States within the time agreed upon by the United States in Congress Assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress assembled, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No Tax shall be imposed on Lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways and forever free, as well to the Inhabitants of the said Territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost or duty therefor.

Article the fifth. There shall be formed in the said territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of Cession and consent to the same, shall become fixed and established as follows, to-wit:

The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from

the Wabash and Fort Vincennes due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the woods & Mississippi. The Middle State shall be bounded by the said direct line, the Wabash from Fort Vincennes to the Ohio; by the Ohio, by a direct line drawn due North from the Mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided however, & it is further understood and declared, that the bounding of three States, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east & west line drawn through the southerly bend or extreme of Lake Michigan; and when any of the said States shall have sixty thousand free Inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States in all respect whatever, and shall be at liberty to form a permanent constitution & State Government; provided the Constitution & Government so formed shall be republican, and in conformity to the principles contained in these Articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free Inhabitants in the State than Sixty thousand.

Article the Sixth. There shall be neither Slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted; provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service are aforesaid.

Be it ordained by the authority aforesaid. That the Resolution of the 23d of April, 1784, relative to the subject of this Ordinance be, and the same is hereby repealed and declared null and void.

Done by the United States in Congress Assembled the 13th day of July, in the year of our Lord 1787, and of their Sovereignty and independence the 12th.

CHAS. THOMSON, Sec'ty.

GOV. CASWELL FROM JOHN WHITAKER, ESQUIRE, SHERIFF OF
HALIFAX COUNTY.

(From Executive Letter Book.)

HALIFAX, 15th July, 1787.

DEAR SIR:

I am to inform your Excellency that my situation with respect to the State prisoners are truly distressing. If I comply with the sentence Must sink a Considerable Sum out of my private property or they must starve, for no one can be employed to Cook & carry their Victuals to the Gaol on what is allowed by law; now Sir, this leaves me in a very dangerous situation. I can assure your Excellency that I have had no other Resource but my private property for to support them, ever since I had charge of them, & now is run out, for corn has never been less than 48s per Barrel and bacon 1 6d per lb. and can't be got for that at present, which has cost from 4s to 4 6d per day ever since I had them. Should have been happy had it been in my power to waited on your Excellency on this subject, as it is otherwise must submit my case, as well as the prisoners, to your better judgment, for I can assure your Excellency that it is out of my power to supply those men without something in the Cash way; should you think it advisable to give me a small warrant on the Treasury for that purpose I will Execute a Bond for accounting for it to your Excellency without delay. Permit me Sir, to drop a hint or two relative to the prisoners Confinement, now Sir, it is no secret that the Clamour of the people are Abated concerning those Men and are convinced of the impropriety of their Confinement at this late day, certain it is that the imprisonment of some of these men must operate against the State than otherwise; no doubt of the justness of their Sentence, but humanity Shudders at their Confinement, Especially when they are like to starve; that nothing would give more Satisfaction to me than the suspension of those persons if not entirely for a few months until such times provisions could be procured; if your Excellency should not think advisable to suspend the popular part of them, altho' it is equally hard if not harder on them, there is a part in my opinion might be suspended as they are beneath

the notice of the State. Let me once more pray your Excellency to grant such relief as to you may seem just and Meet.

While I remain, very Respectfully, your

Most Obedt. & very hum. Servt.,

JNO. WHITAKER, Sheriff.

GOV. CASWELL TO JOHN WHITAKER, ESQ.

(From Executive Letter Book.)

NEWINGTON, July 17th, 1787.

DEAR SIR:

Your Letter of the 15th Current is to hand, the case of the prisoners very distressing no doubt to them, especially this hot weather, but 'tis not consistent with the Rule of conduct laid down in the Constitution for me to alleviate their distresses by a suspension of their sentences. After having taken the sense of the Council of State, the only body appointed to advise the Governor in all cases, it would be considered as acting inconsistently with my duty; and whilst I am in the executive I mean to do in all cases what appears to me to be right, without having regard to the opinions of any but those whom I consider it my duty to follow the advice of, I mean the Council. Humanity points out a different mode for those unhappy sufferers but Justice must be satisfied.

Your difficulties in supplying provisions I am concerned for, but you know as having been several Times a Member of the General Assembly, the Generosity of that Honorable Body to the faithful servants of the State has been uniformly confined to the closest scrutiny, & I may add narrowness of allowance, yet I hope that they have had justice in view & that the next Assembly will do by you what is really Just in this particular, but you are to observe that the charges only of those who are unable to pay the fees of imprisonment, and that certified by the Court, will be allowed you and as I suppose some of your prisoners will be under the denomination of Insolvents I have, contrary to usage, forwarded you a warrant on the Treasury for one hundred pounds for which you must accot. with the Assembly; this will in some degree assist you in making that provision which your humane disposition will point out for these unhappy men.

I thank you for the intelligence you give me of Mr. Morris' Bill being returned as mentioned; 'tis new to me but I must take some further inquiry so as to prevent if possible.

I am very respectfully, Dear Sir,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO THE HON'BLE THE DELEGATES IN CONGRESS
FOR THE STATE OF NORTH CAROLINA.

(From Executive Letter Book.)

No. CAROLINA, July 18th, 1787.

GENTLEMEN:

I have the honor to enclose you Copy of my Letter of the 15th January Last, respecting the obtaining muster Rolls of the Continental Line of this State, or authenticated Copies of them. By my not receiving them the business of the Comr. has been wholly retarded. I must therefore request you will be pleased to procure them and forward to me with the utmost dispatch that they may be laid before the Commissioners, indeed they may be useful in the examination of matters relative to the Conduct of some of our friends in Caswell, viz.: Thomas Donoho, Charles Dixon & William Sanders, who are bound to appear at Hillsboro' Superior Court next, and who have received very considerable sums from the Treasury under various names which are suggested not to be in the Muster Rolls.

I have the Honor to be, with the greatest Respect & Esteem, Gentlemen,

Your most obedient and very humble Servant,

R. CASWELL.

GOV. CASWELL TO THE WORSHIPFUL THE JUSTICES OF COUNTY
COURT.

(From Executive Letter Book.)

KINSTON, July 18th, 1787.

(Circular.)

GENTLEMEN:

You have herewith enclosed Copies of three lists of accots. presented by Thomas Donoho, Charles Dixon and William Sanders to

the Commrs. appointed to liquidate the accots. of the officers and Soldiers of the North Carolina Continental Brigade, for which the said persons received due Bills & certificates according to their respective lists. I am informed that the said Thomas Donoho, Charles Dixon and William Sanders are bound to appear at the next Superior Court to be held for the District of Hillsboro', at Hillsborough in October next to answer such matters as they may be strictly charged with respecting these Accots., as many of them are suggested to be fraudulent. It therefore becomes the duty of all officers, particularly the ministers of Justice, to use their best endeavours to detect such frauds. And as I conceive the most likely method to effect this, will be for the Justices of the Peace in their several Counties, as well within their County Court as without, to make diligent enquiry for the persons whose names are mentioned in those Lists; and to cause such as they may know or be inform'd are within their respective Counties, to come before them and depose respecting such accots., and wherever it appears from such depositions that fraud has been practiced to bind the persons making such depositions to appear before the said Superior Court to give Testimony against the defenders I therefore recommend in the strongest Terms, that such mode be by you pursued, and that you return the depositions, with the recognizances which you may so take, to the Attorney General as early in the sitting of the Court as practicable.

I am very respectfully, Gentlemen,

Your most Obedt. Servt.,

R. CASWELL.

GOV. CASWELL FROM CHAS. THOMSON.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,

July 21st, 1787.

(Circular.)

SIR:

I have the honor to transmit to your Excellency herewith enclosed a Copy of a treaty between the United States of America & the Emperor of Morocco, ratified on the 18th of the present month by the United States in Congress Assembled. Your Excellency will be

pleased to make this known in such way as you shall judge proper to the citizens of your State, for their Government. With the greatest respect, I have the honor to be,

Your Excellency's most Obedt. & most Humbl. Servt.,
CHAS. THOMSON.

RESOLUTION OF CONGRESS RESPECTING UNLIQUIDATED CLAIMS.

(From Executive Letter Book.)

BY THE UNITED STATES IN CONGRESS ASSEMBLED,

July 23rd, 1787.

. Resolved, That all persons having unliquidated Claims against the United States pertaining to the late Commis'ry, Quarter Masters, Clothing or Marine department, shall exhibit particular abstracts of such Claims to the proper Commissioner appointed to settle the accounts of those departments within eight months from date thereof; and all persons having other unliquidated Claims against the United States shall exhibit a particular abstract thereof to the Comptroller of the Treasury of the United States within one year from the date hereof; and all Accounts not exhibited as aforesaid shall be precluded from settlement or allowance.

CHAS. THOMSON, Sec'ty.

GOV. CASWELL FROM CHAS. THOMSON.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,

July 25th, 1787.

SIR:

I have the honor of transmitting to your Excellency herewith enclosed an Act passed the 23rd by the United States in Congress Assembled, limiting the time for all persons having unliquidated Claims against the Confederacy to exhibit such claims for adjustment; as all accounts not Exhibited within the limited time will be precluded from settlement. I have the honor to request the favour

of your Excellency to cause this Act to be published that all the Citizens of your State whom it Concerns may have notice thereof.

With the greatest respect, I have the honor to be,

Your Excellency's Most Obedt. and most Humble Servt.,
CHAS. THOMSON.

GOV. CASWELL TO RICHARD D. SPAIGHT, ESQ.

(From Executive Letter Book.)

NO. CAROLINA, Kinston, July 26th, 1787.

DEAR SIR:

I have been very much indisposed the greater part of the time since you left the State is the reason I have not before this done myself the Honor of Acknowledging your receipt of the 20th May & 12th of June, which came to hand some weeks past. However, I am now able to be about & hope to get restored to health.

The Convention in my Judgment have done wisely in enjoining secrecy in their Members, was the case otherwise it would give more room to Bablers & Scriblers to exercise their powers than they can be at liberty to take in their present case.

From the hint you threw out in your first letter I am induced to think that the plan of a National Parliament and Supreme Executive with adequate powers to the Government of the Union will be more suitable to our situation & circumstances than any other, but I should wish also an independent Judicial department to decide any contest that may happen between the United States and individual States & between one State and another; this however is only a hint, you may not see the necessity of it as forcible as I do and I presume 'tis now too late to offer any reasons for the establishment, as that matter I flatter myself is before this got over; all I can say respecting the Convention is to recommend a perseverance to the end, to the deputies from this State.

I had, previous to the receipt of your letter, written to the Collectors and spoken to Colo. Read particularly to retain the Monies in their hands directed by the Assembly to be applied to the discharge of the allowances to the deputies, subject to such further drafts as might be made in their favor. Your warrant for £128, two months

allowance in addition to the former four months, I forwarded to Mr. John G. Blount some Time past.

I have the Honor to be, with great esteem and respect, dr. sir,

Your most obedt. servant,

R. CASWELL.

TO GOV. CASWELL FROM ALEX. MARTIN,

(From Executive Letter Book.)

PHILADELPHIA, July 27th, 1787.

DEAR SIR:

You may think I have been remiss in making you Communications from the Federal Convention, which you had a right to expect from my engagements to you in my last Letter from Carolina. But when you are informed that the Members of that Body are under an Injunction of Secrecy till their Deliberations are moulded firm for the public Eye, You will readily I flatter myself, excuse me. This Caution was thought prudent, least unfavourable Representations might be made by imprudent printers of the many crude matters & things daily uttered & produced in this Body, which are unavoidable, & which in their unfinished state might make an undue impression on the too credulous and unthinking Mobility. How long before the business of Convention will be finished is very uncertain, perhaps not before September, if then. Believe me Sir, it is no small task to bring to a conclusion the great objects of a United Government viewed in different points by thirteen Independent Sovereignities; United America must have one general Interest to be a Nation, at the same time preserving the particular Interest of the Individual States. However Sir, as soon as I am at Liberty to make Communications Your Excellency shall have the earliest information.

The Delegates in Congress have no doubt informed you by this of an attempt in England to Counterfeit our paper Currency, the News-

papers herewith will perhaps give you more ample & full information on the Subject; Doctr. Franklin just notified it to me.

I am dear Sir, with great Esteem and respect.

Your Excellency's Most Obedt. humble Servt.,

ALEX. MARTIN.

The Deputies are under necessity to borrow Money for their expenses, their stay being longer than they Expected. They have already written Your Excellency on that Subject.

A. M.

TO GOV. CASWELL FROM ROBERT ROWAN.

(From Executive Letter Book.)

FAYETTEVILLE, July 29th, 1787.

SIR:

Your Excellency will receive with this three Receipts of the same tenor and date, for the public tobacco delivered at Wilmington to Mr. Stewart, Agent for Constable, Rucker & Co., Merchts. of New York. I had a very tedious and troublesome Job of the delivery, the Tobacco having suffered much in the warehouses of this place, as well as from the heavy rain going down, most of it being shipped in the latter part of last Summer when there was almost continual rains. However, notwithstanding it turned out better than we had any reason to expect I should have sent forward the receipts sooner, but the difficulty of procuring a horse fit to travel, owing to the great scarcity of Corn prevented me. I have now been so fortunate as to meet with Mr. Henry, who has promised to deliver this himself. I hope the failure of the Farmers General of France won't effect the Sale or payment of our Tobacco.

I am Sir, Your Most Obedt. &

Very humble Servant,

ROBT. ROWAN.

TO GOV. CASWELL FROM CHAS. THOMSON.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,
July 31st, 1787.

SIR:

There being by accident an omission of the word "Hospital" in the act of Congress which I had the honor to transmit to your Excellency on the 25th, I take the earliest opportunity of rectifying the error by transmitting herewith another authentic copy of the Act.

And have the honor to be, with the great respect,

Your Excellency's Most Obedient & most humble Servt.,
CHAS. THOMSON.

GOV. CASWELL FROM A. HODGE, PUBLIC PRINTER, WITH HIS
ACCOUNT.

(From Executive Letter Book.)

NEW BERN, August 2d, 1787.

SIR:

By Mr. Stringer I forward the Circular Letters and accounts you Ordered printed; which I hope will arrive in due season. Owing to the want of a proper quantity of figures in our office I found it impossible to have them done before, or in any other form than they are.

I cannot conceive that they come within the denomination of State Business. Indeed I think I may in justness Complain of its heaviness already, which by the Depreciation of the Money I much fear will cause me to be involved in debt this year.

Enclosed I send your Account for printing, & I would esteem it a particular favour if you could remit the amount, or part of it, by Mr. Stringer as we are at present much necessitated.

In haste, I remain,

Your Excellency's Humble Servt.,
A. HODGE.

His Excellency Governor Caswell.

1785.	To Hodge & Blanchard.	Dr.
Dec. 20th.	To Printing 1½ Reams Military Commis-	
sions	£ 7 10 00	
1786.	To printing ½ Ream Civil Commissions.....	2 10 00
July 29th.	To 12 Copies of the Laws of the State....	4 16 00
	To 20 Blank Deeds, on Royal Paper.....	1 15 00
1787.		
March 7th.	To one Ream of Military Commissions..	4 10 00
	To paper for the same.....	3 00 00
August 1st.	To printing Circular Letter (72).....	1 4 00
	To printing the Accounts of Donoho, Sanders &	
	Dixon (720) each	12 00 00
	To 12 Copies of the Laws of last Session.....	4 16 00
		<hr/>
		£42 1 00

GOV. CASWELL FROM CHAS. THOMSON.

(From Executive Letter Book.)

OFFICE OF SECRETARY OF CONGRESS,
August 10th, 1787.

(Circular.)

SIR:

I have the honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the month of July. By this and the former Statements Your Excellency will see that since the first Monday in November last the United States have not been represented more than three days by ten States, thirty days by nine States & forty days by 7 & 8 States. I submit this to the Consideration of your Excellency, and have the honor to be, with greatest respect.

Your Excellency's Most Obedt. & most Hum. Servt,
CHAS. THOMSON.

BEAUFORT COUNTY, August 11th, 1787.

HONOURED SIR:

I have enclosed you my resignation of the Lieut. Colos. Commission from

Your Most Obedt. Servt.,
JOHN KENNEDY.

ALEX. MARTIN TO JOHN KENNEDY, ESQ.

STATE OF NORTH CAROLINA.

We, reposing special Trust & Confidence in your Patriotism, Valour, Conduct and Fidelity do by these present constitute & appoint you to be Lieutenant Colonel of the Regiment of Militia of Beaufort County. You are therefore carefully and diligently to discharge the duty of Lieut. Colo. by exercising & well disciplining the Officers & Soldiers under your Command, and by doing and performing all Manner of Things thereunto belonging. And we do strictly charge and require all Officers and Soldiers under your Command to be obedient to your orders as Lieut. Colo. And you are to observe and follow such Orders & Directions, from Time to Time, as you shall receive from your Superior Officers, According to the Rules and Directions of Military Discipline and the Laws of this State.

Witness: Alexander Martin, Esquire, Governor, Captain General, and Commander-in-Chief, in and over the said State, under his Hand and Seal at Arms, at Hillsborough the eighteenth day of May, Anno Dom., 1782, and in the sixth Year of our Independence.

ALEX. MARTIN.

By His Excellency's Command,
Henderson, Sec.

TIMOTHY BLOODWORTH'S RESIGNATION.

AUGUST 13th, 1787.

DEAR SIR:

I beg leave to acquaint you that some particular reasons have induced me to decline serving as a Delegate in the Congress of the United States, and hope your Excellency will consider this as my resignation of that appointment.

With the utmost Esteem and respect, I remain, Dear Sir,

Your very Humble Servt.,

TIMOTHY BLOODWORTH.

GOV. CASWELL TO COLO. JAMES ROBERTSON, CUMBERLAND.

KINSTON, Augt. 13th, 1787.

DEAR SIR:

Your favor of the 2d July reached me last evening; it gives me pain in hearing your situation is so distressing on accot. of your savage neighbors and am astonished in learning by your express that Major Evans had not when he crossed the Mountains at the Flower Gap, passed it; his information is that a no. of men, not exceeding one hundred, were lying within ten miles of the Mountains waiting for others. Major Evans assured me on receiving the necessary support for his march that he would proceed immediately to the westward, the support he required was without delay supplied him, expected he had passed the Blue Ridge some months ago, but if your express's information is right, he has been engaged in an attack on a Lady who he was lately reduced into possession by making her his wife.

I have written to Major Evans or the officer commanding the Troops raised for the defence of Davidson County, to proceed immediately to that Country there to pursue the directions of the Act of Assembly for raising them, I mean that part of it that relates to the defence of the people, suggesting in my own mind that it may be of more advantage to the settlers to have this force to their aid, who are in the pay of the State than it will be real benefit to the Community to have the road cut at this Time, supposing also that every measure possible could be pursued by the Chicamaugas to retard the progress in making the road by distressing, annoying and ambushing the people engaged in that business; but as it would of course be some time before these Troops will be provided to leave the settlements on Holston you will have in your power to countermand these orders before they are fully carried into effect, that is if peace takes place between you and those Indians & you think the men will be in safety and better employed in Cutting the road; in that case you are required to Countermand the orders from me for them to proceed immediately to Davidson, and I have directed the Commanding officers to obey such your orders on receiving them but by no means delay his

progress on his march until such orders are received from you or Colo. Bledsoe.

Your conduct in respect to the War you have been obliged to carry on appears to me to be rather to be approved than condemned by every well wisher to Freedom and Liberty, for my own part I think you merit the thanks of your Country & I cannot doubt but the Assembly will approve of your promising pay to the Militia who have turned out by your orders and will on their meeting make provision accordingly.

I have furnished your Express with a Warrant on the Treasury for forty pounds which I flatter myself will be sufficient to defray his expences.

I most sincerely wish you success in your undertakings, at the same Time I beg you will use every means in your power to prevent a General War with the Indians. Defence is justifiable but to commence and carry on a War without the interference of Congress would be judged perhaps a violation of our Confederation, the articles of which we must strictly attend to. I shall transmit an extract of your Letter and some other documents of Indian affairs and if I receive any advice from them respecting this business I shall communicate the same to you and in all your conduct with the Indians I hope you will, Indeed I am satisfied you will, altho' Sumner County may not be in so great distress as Davidson, Consult Colo. Bledsoe who I am aware is able & willing to aid and assist you with all his powers. All my public dispatches to either of you I expect and request will be communicated to each other in the same manner as if your people were yet in one County. I condole with you in the loss of your Brother by the hands of savages as I do lament the loss of every brave and useful man who falls in the Defence of his Country.

However, I know you have a no. of Brave men with you & have no doubt but Justice will be done by sufficient retaliation on your enemies, if you have not already effected it.

I repeat that I am disposed to render your settlements every good in my power & shall be happy in doing anything I can either in public or private Character that may promote their happiness.

I am Sir, Your most obedt. Servant,

R. CASWELL.

P. S.—Pray avoid every measure which may tend to involve us in war with either an European Power or with the Indians. Let all your Acts be on the defensive only.

TO MAJOR THOMAS EVANS OR THE COMMANDING OFFICER OF THE
TROOPS RAISED FOR THE DEFENCE OF CUMBERLAND.

KINSTON, Aug. 13th, 1787.

SIR:

It is with astonishment that I have just received information that the Troops raised for the defence of Davidson County were a few days past on this side the Blue Ridge, at the same Time that the Inhabitants of that County are engaged in a cruel War with the Indians and the Militia called off from their Farms to do the duties that were expected by the Assembly to be performed by the Troops, inclusive of cutting the road, which road if the settlements are suffered to be broken up by the savages would for some time be useless if cut open. I therefore require that you also, without any further delay, proceed directly to Cumberland River and carry as far as may be in the power of your Troops, the Act of Assembly for raising men for the defence of that County into effect, you are not to delay any Time whatever on accot. of cutting the said road but proceed by the best practicable route to Nashville, where you will receive orders from the Commanding officer in that County for your further Conduct, unless you may be informed previous to your arrival there by Colo. Robertson of Davidson or Colo. Bledsoe of Sumner County, that it will be proper for you to proceed on the Cutting of the road, in which case you will attend to the same, but untill you do receive such advice you are to lose no Time in your march to Nashville, but on receiving that advice you will consider such part of these orders as relates to your proceeding directly to Nashville, as Countermanded but not in any other case unless you receive express orders from me or the Commanding Officer of the State for the Time being. Pray let me have a return of your strength and Equipment as expeditiously as possible.

I am Sir, Your most Obedt. Servant,

R. CASWELL.

GOV. CASWELL FROM BENJ. HAWKINS.

PHILADELPHIA, 14th August, 1787.

DEAR SIR:

I shall Sail this day for North Carolina. I arrived here a few days past, having had a fever for some days, with Mr. Blount, he Continues in Convention. We have rec'd a Letter from Mr. Ashe informing us of his sailing on the 4th Instant from our Country for New York. We know not who is to be his Colleague. I would return to New York with pleasure if my want of money was not an indispensable Object. It is of the first Importance that our State be represented when the Convention make their report to Congress and I believe Mr. Burton and Mr. Ashe Promised each other to be there then. But if any unforeseen accident should frustrate their intention it follows that some others of the Delegation must attend, and I shall put myself in readiness as soon as possible, Provided it is necessary for me to return. Since writing the foregoing Mr. Blount has a Letter from Colo. Ashe of the 12th from New York, informing that Col. Burton was to come by land. I have the honor to be with great and sincere Esteem, Dr. Sir,

Your most Obedt. & very Humble Servt.,
BENJAMIN HAWKINS.

GOV. CASWELL FROM JOHN B. ASHE.

NEW YORK, 16th August, 1787.

Richard Caswell, Esquire:

SIR:

I have the honor this day to receive your Excellency's favour of the 11th of July, enclosing a receipt of Mr. Robert Stewart's to Mr. Whitaker for 110,104 lbs. of Tobacco, which I shall pay every necessary attention to, also a Copy of your Letter of the 15th of Jan'y last, to the Delegation, requiring their attention towards procuring the Muster Rolls of the line of our State, or duplicates of them, and forwarding of them to you; rest assured Sir, in this we have not been

inattentive, early in March we procured an Order of Congress directing the Secretary at war to furnish us with *Duplicates*, but the Pay Master with his principal Clerk, going shortly after to Virginia on public business, and who has not yet returned has been the cause (and is yet) of our not obtaining them, he is hourly expected, when the Secretary promises them without delay.

Col. Blount and myself brought forward a Resolution, purporting Congress's disavowal of such part of the Hopewell Treaty as ceded certain Territory within the limits of the State to the Indians as hunting grounds, and stated our Claim to the same, which Statement was thought insufficient; and as the Boundary of a State was of a very weighty and consequential nature, we concluded it best to let the business rest there until we could procure every document necessary to support our Claim, to which end I will be Obligated to your Excellency to procure (from among the old Council papers where I presume it was lodged) and send forward those temporary lines, intended and confirmed by the Commissioners appointed by the Legislatures of North & South Carolina, Agreeable to the Order of the late King George the 2nd, which are the lines peremptorily claimed in our bill of rights as our Southern Boundary, and from which we cannot vary; Congress by this Treaty and the application of North Carolina must be thrown under some embarrassment, for its Obvious they cannot ratify an Act so flagrantly abusive in its consequences, if enforced, also in express words contrary to the Confederation and our Bill of rights; and to disavow a Compact or part of a Compact entered into by their Servants, they may consider as impolitic and improper. I will further trouble your Excellency, with sending forward to the Delegation a Resolution of the last Assemblies expressive of their Opinion of the Indian Treaty, and giving some direction to their Delegates. I am and have been here alone for some time, have expected Mr. Burton to arrive every hour for three weeks past. I now much despair of his coming on at all; should he not Mr. Blount promises me he will return at the rising of the Convention, when we hope to have a very full Congress. Hoping your Excellency enjoys your health, I beg leave to remain, with Sentiments of respect,

Your Excellency's very Obedient & very Humble Servt.,

JOHN B. ASHE.

GOV. CASWELL FROM ALEX. MARTIN.

PHILADELPHIA, August 20th, 1787.

DEAR SIR:

I have been honored with your Excellency's Letter of the 26th Ult. in which you are pleased to suggest you have been disappointed in receiving particular information respecting the Convention; In my last I wrote your Excellency the Reasons which I flatter myself you have received and approved of, why Communications could not be made until the Business before this Body be Completed and prepared for the public Eye, much time has been employed in drawing the outlines of the Subjects of their Deliberations in which as much unanimity has prevailed as could be well expected from so many Sentiments Arising in twelve Independent Sovereign Bodies; Rhode Island not having deigned to keep company with her Sister States on this Occasion. The Convention after having agreed on some great principles in the Government of the Union Adjourned for a few days, having appointed a Committee composed of the following Gentlemen, to-wit: Mr. Rutledge of South Carolina, Mr. Randolph of Virginia, Mr. Elsworth of Connecticut, Mr. Wilson of Pennsylvania, and Mr. Gorham of Massachusetts, to detail or render more explicit the chief subjects of their Discussion; on the Report of these Gentlemen the Convention again met, and are now employed taking up the same Paragraph by paragraph, and so slow is the progress that I am doubtful the Business will not be fully reduced to System and finished before the middle of September next, if then.

It is the wish of the Members of Convention that the States be fully represented in Congress at the time they will be presented with the Conventional Transactions, of which should Congress give their approbation the same may be transmitted to the Legislatures of the several States at their next meeting, that the sense of the Union be obtained as soon as possible thereupon. Colo. Ashe is alone at Congress, Colo. Burton was expected before this, but is not yet arrived; Col. Blount has been with us from Congress for some days past, as Col. Davie was under the Necessity to return Home; Mr. Hawkins is also returned. I am also obliged to be at Salisbury Superior Court in Sept. next, and propose to sett off the first of that month on my

return. The State will still be represented fully in Convention by my Honourable friends Messrs. Spaight, Blount & Williamson. My absence may I think be the more easily dispensed with when I have the pleasure to inform your Excellency the Deputation from the State of North Carolina have generally been unanimous on all great questions, and I flatter myself will continue so until the Objects of their mission be finished. Tho' I have not told your Excellency affirmatively what the Convention have done, I can tell you negatively what they have not done. They are not about to create a King as hath been represented unfavourably in some of the eastern States, so that you are not to expect the Bishop Oznaburg or any prince or great man of the World to rule in this Country. The Public Curiosity will no doubt be gratified at the next Assembly, perhaps before.

In the meanwhile, I have the honor to be,

Your Excellency's most obedient, hum. Servt.,

ALEX. MARTIN.

TO GOV. CASWELL FROM WILLIAM BLOUNT.

PHILADELPHIA, Monday, August 20th, 1787.

SIR:

In a letter from New York I informed your Excellency of my reasons for leaving the Convention and returning to that place with Mr. Hawkins to represent this State in Congress. On Monday the 6th Inst. the Committee of detail made their Report to the Convention and on the Morning of Tuesday the 7th Hawkins and myself returned here and I again took my seat in Convention; so that tho' I was not present all the time the Convention were debating and fixing the principles of the Government I have been and mean to continue to be present while the detail is under Consideration, that is until the Business of the Convention is Completed. From 10 to 4 O'Clock are the invariable hours of Session and as much Unanimity as can be expected prevails, yet I believe the business will not be completed in less than a month from this Time; Mr. Davie left us on this day week, his business at the approaching Superior Court called him so pressingly that he could not stay any longer. If he

could have complied with his own inclination, or those of the Delegation of the State he would have remained during the Session.

Mr. Martin informs us that on Monday next we must also submit to his leaving us. I wish it could be other ways, he I believe writes you himself by this Conveyance. Mr. Ashe has arrived at New York and on Thursday last had no Colleague, but from his letter to me he daily expects Mr. Burton and I hope he will not be disappointed, for if he should remain without a Colleague until the Convention sends forward their work to Congress, I shall consider it my duty and act accordingly, disagreeable and inconvenient as it may be to return to New York, and join him in representing the State to the end that North Carolina do her duty in Congress in recommending to the respective States whatever may be recommended by the Convention. Your Excellency is not now to be informed that I am not at liberty to explain the particulars of the mode of Government that the Convention have in Contemplation, but I will venture to assure you that it will be such a form of Government as I believe will be readily adopted by the several States because I believe it will be such as will be their respective interest to adopt.

I have the honor to be,

Your Excellency's Most Obedient Humble Servt.,
WM. BLOUNT.

GOV. CASWELL FROM HUGH WILLIAMSON.

PHILADELPHIA, 20th August, 1787.

DEAR SIR:

On Monday last Col. Davie set out from this place. I regret his departure very much as his conduct here has induced me to think highly of his abilities and political principles. On Monday next Col. Martin also proposes to leave us when we shall be reduced to a mere representation; of the five Gentlemen who were appointed by the Assembly only one will remain. I wish you in the meanwhile to believe that Col. Blount & myself are determined to persevere while there are Six other States on the Floor or until the business is finished, tho' it should last for months, we have two reasons for this resolution, either of which will be conclusive. We owe this duty to

the State whose interest seems to be deeply concerned, and we owe it to the feelings of your Excellency, for we would not have it alleged that Gentlemen whom you had been pleased to honor with the Public trust had failed in a single Iota of their duty to the Public. We shall on some future occasion be at liberty to explain to your Excellency how difficult a part has fallen to the share of our State in the course of this business and I flatter myself greatly if we have not sustained it with a Principle & firmness that will entitle us to what we will never ask for, the thanks of the public. It will be sufficient for us if we have the satisfaction of believing that we have contributed to the happiness of Millions.

I have the honor to be, with the utmost consideration, Dear Sir,
Your most Obedt. and very humble Servt.

HUGH WILLIAMSON.

GOV. CASWELL FROM WILLIAM R. DAVIE.

HALIFAX, August 23rd, 1787.

DEAR SIR:

I have the honor to acknowledge the receipt of your letter of the 26th of July and the obliging attention you have paid to the subject of my last.

I left Philadelphia on the 13th Ult., before which date we had informed you of the progress of the business; it was not supposed the Convention would rise before the first of September, and all the other Gentlemen were attending and agreed to stay, and as the general principles were already fixed and Considering the State and Nature of my business, I felt myself fully at liberty to return, especially as No. Carolina was so fully and respectably represented. Enclosed are the news of the day, the present distressed State of the U. Netherlands is the only interesting foreign subject, but we have heard nothing of them since the June packet. Accept of my thanks for your attention to me while on this business, and believe me with the most sincere respect,

Your very humble Servt.,

WILLIAM R. DAVIE.

GOV. CASWELL FROM JOSEPH LEECH, JUDGE OF THE MARITIME COURT.

NEW BERN, August 25th, 1787.

SIR:

I found that the keeping the Commission of Judge of the Court Maritime and Mercantile interfered so much with my own private business, that I could not without great inconvenience give that constant attendance to the duty that it required. Therefore hope your Excellency will accept of my resignation, and if your Excellency think proper, to nominate or appoint some other to fill up the vacancy.

I am with greatest respect,

Your Excellency's most Obedt. Servant,

JOSEPH LEECH.

RETURN OF QUARTERMASTER'S AND COMMISSARY'S STORES NOW ON HAND, AND ISSUED FOR THE USE OF
THE CUMBERLAND BATTALION. AUGUST 26TH. 1787.

QUARTERMASTERS STORES.

Total	Waggons.	Horses.	Axes.	Camp Kettles.	Canteens.	Grindstones.	Hand Saws.	Chizels.	Gouges.	Augurs.	Hammers.	Adzes.	Drawing Knives.	Fire Locks.	Powder.	Lead.	Commissary's Stores		
																	Bushels Salt.	Flour.	Beef Cattle.
																		qr	
																	10 "	2.00	11 "
4 "	17 "	40 "	30 "	150 "	1 "	4 "	3 "	7 "	7 "	3 "	4 "	3 "	3 "	58	180				

I do hereby Certify that the above return as stated, is just, to the best of my knowledge.

F. MARKLAND, Q. M.

STATE RECORDS.

769

RETURN OF THE CUMBERLAND BATTALION OF NORTH CAROLINA STATE TROOPS, COMMANDED BY MAJOR THOMAS EVANS, AUGUST 26TH, 1787.

COMPANIES.	Officers present Commissioned.				Qr. Master.	Non Commissioned Officers.				Drum and Fife.		Rank and File.		Wanting to Compleat.		
	Major.	Captains.	Lieutenants.	Ensigns.		Sergeant Major.	Qr. Master Sergeant.	Sergeants.	Drummers.	Fifers.	Rank and File.	Sergeants.	Drums and Fifes.	Rank and File.		
Capt. Hadly's.....	1 "	1 "	1 "	"	1 "	1 "	1 "	2 "	1 "	1 "	34 "	2 "	0 "	25		
Capt. Martin's	"	1 "	0 "	"	"	"	"	2 "	1 "	1 "	29 "	2 "	"	32		
Capt. Hunter's of the Cavalry.....	"	1 "	"	"	"	"	"	1 "	"	"	13 "	2 "	"	9 "		
Total	1	3 "	1 "	"	1 "	1 "	1 "	5 "	2 "	2 "	76 "	6 "	"	66		

I do hereby Certify that the above return as stated, is just, to the best of my knowledge.

THOS. EVANS, Maj. Comdt.

TO GOV. CASWELL FROM JAMES FLEMMING.

SIR:

I beg leave to trouble your Honor with the enclosed Memorial of Mr. Maxwell's and mine relating to the appointment of a Judge for our Marine Court in the District. Should your Choice not be fixed, I shall beg leave to recommend Mr. William Campbell, Mercht. of this place, or Doctor Fergus of this place, Gentlemen generally allowed by the Mercantile people here to be very Capable of fulfilling such an Office.

I have the honor to be Sir,

Your most obedt. Humble Servt,

JAS. FLEMMING.

Wilmington, 30th Aug., 1787.

TO GOV. CASWELL FROM CHAS. THOMSON.

OFFICE OF SECRETARY OF CONGRESS,

September 3rd, 1787.

SIR:

I have the honor to transmit to your Excellency herewith enclosed a state of the representation in Congress for the month of August last, & am with the greatest respect,

Your Excellency's Most Obedt. & most humble Servt.,

CHAS. THOMSON.

GOV. CASWELL TO ANTO. BLEDSOE AND JAMES ROBERTSON.

KINSTON, 4th September, 1787.

GENTLEMEN:

Your Letter of the 12th June last came to hand this day only. I had however, about three weeks past ordered Major Evans expressly to proceed on to Cumberland without regard to cutting the Road

on his way; since I have heard he has gone on but what his strength is I know not as I have not received a return from him, tho' I have repeatedly requested it.

I am much concerned at your peoples' being so harrassed by the savages, tho' I flatter myself Colo. Robertson's attack upon them has at least given them such a Check as will discourage their making any further attempts on your settlements until Mr. Evans's arrival, to facilitate which I have this day repeated my former orders to him.

What you mention respecting the conduct of the Spaniards I shall communicate to our Delegates in Congress & request them to represent the same to the Spanish Minister at the Congressional Court, they being personally known to him in their public character, I presume will give their representations more weight, than any directly from me.

I am most respectfully, Gentlen.,

Your most obedt. Servt.,

R. CASWELL.

GOV. CASWELL TO MAJOR THOMAS EVANS.

KINSTON, 4th Sept., 1787.

SIR:

I wrote you some weeks past requesting you to march immediately on to Cumberland without having regard to the Cutting the Road on your way as the assistance of the Troops was very much wanting there; I also requested you to make me a Return as speedily as possible of your strength and Equipments, & as I have not been favored with a return and have since received pressing requests from the Officers Commanding at Cumberland to forward the troops, I again repeat my former orders that you proceed without delay to Cumberland and attend the orders of Colo. Bledsoe and Robertson, & as it is absolutely necessary that I should be furnished with your return I beg you will not delay sending the same in as soon as you possibly can.

I am, Sir,

Your most obedt. Servant,

R. CASWELL.

GOV. CASWELL FROM MAJOR EVANS.

MOCOSON GAP, Sept. 10th, 1787.

SIR:

Yours of the 13th of August last, which Came to hand the 24th, I received at Genl. Shelby's where I had halted the 18th in order to get a supply of Flour and Beef sufficient to carry us through the Wilderness, which was the cause of our being detained there much longer than I expected, we halted here the 29th for preparing ourselves with Pack saddles and other necessaries for our march, shall leave this place to-morrow morning by the way of Kentucky and you may rely every exertion in my power shall be used in order to forward on the Troops with all possible Dispatch. Inclosed I send your Excellency a return of the number of the Troops under my Command as also a return of my equipments, which return I should have sent much sooner but was prevented by my not getting a return from one of my Captains until the very day the Express arrived, and before I could get one from him was obliged to send an express to him for that purpose who returned the evening before your Excellency's dispatches came to hand. I had my papers ready to send by the same hand who would not agree to carry them which is the cause of my detaining them until this opportunity by Mr. Markland. Your Excellency may depend upon returns from me immediately upon my arrival at Nashville.

I am, with respect, your Excellency's

Most Obedt. & very hum. Servt.,

THOMAS EVANS.

TO THE HON'BLE JOHN JAY, ESQ., MINISTER FOR FOREIGN AFFAIRS,
NEW YORK, FROM WINSTON CASWELL.

STATE OF NORTH CAROLINA,

September 13th, 1787.

SIR:

I am directed by his Excellency the Governor of this State (who is very ill and unable to write) to acknowledge the receipt from your office of your Letter of the 3d of July together with extracts of Let-

ters and information from his Excellency John Adams; those matters are alarming and meet with every attention the Governor can give them.

I have the Honor to be with great respect, Sir,

Your most obedient and most humble servant,

WINSTON CASWELL, p. Sec.

TO TRE HON'BLE CHAS THOMSON, SECRETARY OF CONGRESS, FROM
WINSTON CASWELL.

STATE OF NORTH CARFLINA,

September 13th, 1787.

SIR:

I am directed by His Excellency the Governor, who is now very ill and unable to write, to acknowledge his having received the following Letters, to-wit.:

14th July, enclosing an Act of Congress of the 12th touching those officers who may be entitled to pensions, and an ordinance passed the 13th for the Government of the Western Territory N. West of the Ohio.

21 July, enclosing of Copy of Treaty between the United States of America & the Emperor of Morocco, ratified the 18th July by the United States in Congress Assembled.

25 July, enclosing an Act of the 23d July Limiting time for all persons having unliquidated claims against the United States to exhibit the same for adjustment.

July 31, enclosing a corrected Copy of the last mentioned Act.

I am also directed to assure you that every attention shall be paid to those resolutions that the nature and importance of them require.

I have the Honor to be with great respect, Sir,

Your most obedt. & most humble Servant.

WINSTON CASWELL, P. Sec.

GOV. CASWELL FROM BENJ. HAWKINS.

WARREN, the 17th Sept., 1787.

DEAR SIR:

Having performed my tour of service in Congress for the present Federal Year & returned to the State, I request the favour of your Excellency to send me by the bearer, Mr. John Seagrove, a warrant on the Treasury for my Monthly allowance. I was Six months in Congress and I am informed that there is allowed by the Legislature Eight months pay for a tour including the time of traveling to and from Congress; I in fact was that period from home owing principally to a tedious winter journey, and a Circuitous return which I was necessitated to make by want of the means to enable me to travel directly to Warren.

We have not anything new in this Quarter.

I hope to have the pleasure of seeing you at Tarborough, and that you will believe me very Sincerely, Dear Sir,

Your Excellency's most obedient & humble Servant,

BENJAMIN HAWKINS.

RESOLUTIONS OF THE CONVENTION.

IN CONVENTION, Monday, Sept. 17th, 1787.

Present: The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Virginia and Georgia.

Resolved, That the preceding Constitution be laid before the United States in Congress Assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification, and that each Convention assenting to and ratifying the same should give notice thereof to the United States in Congress Assembled.

Resolved, That it is the opinion of this Convention, that as soon

as the Conventions of Nine States shall have ratified this Constitution the United States in Congress Assembled should fix a day on which Electors should be appointed by the States which shall have Ratified the same, and a day on which the Electors should assemble to Vote for the President, and the Time and place for commencing proceedings under this Constitution; that after such publications the Electors should be appointed, and the Senators and Representatives Elected; That the Electors should meet on the day fixed for the Election of the President and should transmit their votes, Certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress Assembled; that the Senators and Representatives should convene at the Time and place assigned; That the Senators should appoint a President of the Senate for the sole purpose of receiving, opening and counting the votes for President, and that after he shall be chosen the Congress, together with the President, should without delay, proceed to Execute this Constitution.

By the unanimous Order of the Convention.

GEORGE WASHINGTON, Pres.

WILLIAM JOHNSON, Secretary.

LETTER ACCOMPANYING THE SUBMISSION OF THE CONSTITUTION
TO CONGRESS.

In Convention:

SEPTEMBER 17th 1787.

SIR:

We have now the honor to submit to the Consideration of the United States in Congress Assembled, that Constitution which has appeared to us the most advisable.

The friends of our Country have long seen and desired that the power of making war, peace and treaties, that of Levying Money and Regulating Commerce and the Correspondent Executive and Judicial Authority should be fully and effectually vested in the General Government of the Union. But the impropriety of Delegating such extensive trust to one Body of men is Evident. Hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these

States to secure all Rights of independent Sovereignty to each and yet to provide for the interest and safety of all. Individuals entering into Society must give up a share of Liberty to preserve the rest. The Magnitude of the Sacrifice must depend as well on situation and circumstances as on the Object to be obtained. It is at all times difficult to draw with precision the line between those Rights which must be surrendered, and those which may be Reserved, and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits and particular Interests. In all our Deliberation on this Subject we kept steadily in our view that which appears to us the greatest interest of every true American, the Consolidation of our Union in which is involved our prosperity, felicity, safety, perhaps our National existence.

This important consideration seriously and deeply impressed on our minds, led each State in the Convention to be less rigid, on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider that had her interest been alone consulted the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that Country so dear to us all, and secure her freedom and happiness, is our most Ardent wish.

By Unanimous Order of the Convention.

With Great Respect, we have the Honor to be, Sir,

Your Excellency's Most Obedient and humble Servt.,

GEORGE WASHINGTON, Presdt.

GOV. CASWELL FROM THE DEPUTIES FROM N. C. IN CONVENTION.

PHILADELPHIA, September 18th, 1787.

SIR:

In the course of four Months severe and painful application and anxiety, the Convention have prepared a plan of Government for

the United States of America which we hope will obviate the defects of the present Federal Union and procure the enlarged purposes which it was intended to effect. Enclosed we have the honor to send you a Copy, and when you are pleased to lay this plan before the General Assembly we entreat that you will do us the justice to assure that honorable Body that no exertions have been wanting on our part to guard and promote the particular interest of North Carolina. You will observe that the representation in the second Branch of the National Legislature is to be according to numbers, that is to say, According to the whole number of white Inhabitants added to three-fifths of the blacks; you will also observe that during the first three years North Carolina is to have five Members in the House of Representatives, which is just one-thirteenth part of the whole number in that house and our Annual Quota of the National debt has not hitherto been fixed quite so high. Doubtless we have reasons to believe that the Citizens of North Carolina are more than a thirteenth part of the whole number in the Union, but the State has never enabled its Delegates in Congress to prove this Opinion and hitherto they had not been Zealous to magnify the number of their Constituents because their Quota of the National Debt must have been Augmented accordingly. We had many things to hope from a National Government and the chief thing we had to fear from such a Government was the Risque of unequal or heavy Taxation, but we hope you will believe as we do that the Southern States in general and North Carolina in particular are well secured on that head by the proposed system. It is provided in the 9th Section of Article the first that no Capitation or other direct Tax shall be laid except in proportion to the number of Inhabitants, in which number five blacks are only Counted as three. If a land tax is laid we are to pay the same rate, for Example: fifty Citizens of North Carolina can be taxed no more for all their Lands than fifty Citizens in one of the Eastern States. This must be greatly in our favour for as most of their Farms are small & many of them live in Towns we certainly have, one with another, land of twice the value that they Possess. When it is also considered that five Negroes are only to be charged the Same Poll Tax as three whites the advantage must be considerably increased under the proposed Form of Government. The Southern States have also a much better Security for the Return of Slaves who might endeavour to Escape than they had under the original Confederation. It is

expected a considerable Share of the National Taxes will be collected by Impost, Duties and Excises, but you will find it provided in the 8th Section of Article the first that all duties, Impost and excises shall *be uniform* throughout the United States. While we were taking so much care to guard ourselves against being over reached and to form rules of Taxation that might operate in our favour, it is not to be supposed that our Northern Brethren were Inattentive to their particular Interest. A navigation Act or the power to regulate Commerce in the Hands of the National Government by which American Ships and Seamen may be fully employed is the desirable weight that is thrown into the Northern Scale. This is what the Southern States have given in Exchange for the advantages we Mentioned above; but we beg leave to observe in the course of this Interchange North Carolina does not appear to us to have given up *anything* for we are doubtless the most independent of the Southern States; we are able to carry our own produce and if the Spirit of Navigation and Ship building is cherished in our State we shall soon be able to carry for our Neighbors. We have taken the liberty to mention the General pecuniary Considerations which are involved in this plan of Government, there are other Considerations of great Magnitude involved in the system, but we cannot exercise your patience with a further detail, but submit it with the utmost deference, and have the Honor to be,

Your Excellency's Most Obedient Humble Servts,

WM. BLOUNT,
RICH'D D. SPAIGHT,
HUGH WILLIAMSON.

CHEROKEES TALK FROM OLD TESSELL TO THE GOVERNORS OF
NORTH CAROLINA AND VIRGINIA.

CHOTEE, 19th September, 1787.

BROTHER:

I am now going to speak to you. I hope you will hear me. I am an old man and almost thrown away by my elder Brother; the Ground I stand on is very slippery, tho' I still hope my elder Brother will hear me and take pity on me, as we were all made by the same

Great Being above, we are all the Children of the same Parent, I therefore hope my elder Brother will hear me.

You have often promised me in talks that you sent me that you would do me Justice and that all the disorderly people should be moved off our Lands, but the longer we wait to see it done the farther it seems off. Your people have built houses in sight of our Towns, we don't want to quarrel with you our elder Brother. I therefore beg that you, our elder Brother, will have your disorderly people taken off our Lands immediately as their being on our Grounds causes great uneasiness. We are very uneasy on account of a Report that is among the white people, that call themselves a new people, that Lives on French Broad & Nolachucky; they say they have treated with us for all the Lands on Little River. I now send this to let my Elder Brother know how it is, some of them gathered on French Broad and sent for us to come and treat with them, but as I was told there was a treaty to be held with us by orders of the Great men of the thirteen States, we did not go to meet them, but some of our Young men went to see what they wanted; they first wanted the Land on Little River, our young men told them that all their head men were at home, that they had no authority to treat about Lands; they then asked them Liberty for those that were then Living on the Lands to remain there till the head men of their Nation was consulted on it which our young men agreed to, since then we are told that they claim all the Lands on the Waters of Little River and have appointed men among themselves to settle their disputes on our Lands and call it their ground. But we hope you our Elder Brother will not agree to it but will have them moved off. I also beg that you will send Letters to the great Council of America and let them know how it is, that if you have no power to move them off they have and I hope they will do it.

I once more beg that our Elder Brother will take pity on us and not take our ground from us because he is stronger than we; the great being above that made us all placed us on this Land and gave it to us and it is ours, our Elder Brother in all the Treaties we ever had gave it to us also and we hope he will not think of taking it from us now.

I have sent with this Talk a string of white Beads which I hope my Elder Brother will take hold of and think of His Younger Brother who is now in trouble and looking to him for Justice.

Given out by the old Tassell for himself and whole Nation in presence of the head men of the Upper and Lower Cherokees and interpreted by me.

JAMES McCORMICK.

HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA, FROM
JOHN JAY.

OFFICE OF FOREIGN AFFAIRS,
October 25th, 1787.

SIR:

I have the honor of transmitting to your Excellency herewith enclosed, a Certified Copy of an Act of Congress of the 20th Instant, admitting and recognizing George Miller, Esquire, as the Consul of his Britannic Majesty for the States of North Carolina, South Carolina & Georgia, and am with great respect,

Your Excellency's Most Obedt. & Humble Servt.,
JOHN JAY.

GOV. CASWELL FROM GEORGE DOHERTY, CLOTHIER CUMBERLAND
BATTALION.

SEPTEMBER 26th, 1787.

SIR:

I received by Mr. Markham two letters from Major Evans, one dated 26th August and the other of the 10th Instant, in which he requests Clothing for his Men in the most pressing terms as the Men declare they will not march without them; I make no doubt but he has communicated his situation to your Excellency with a Return of those who are enlisted to get Cloathing; to me he has enclosed an attested Copy of a Return for that purpose, amounting to 93 in number for the following Articles, viz: 93 Hatts, 93 Hunting Shirts, 93 Vest, 93 prs. of Leather Breeches, 93 Blankets, 186 Shirts, 186 Stocks, 186 prs. of Shoes and 186 pr. Stockings. How to make an estimate of the Sum necessary to purchase and get those Articles

made up is more than I can pretend to do with any degree of precision the prices of imported Goods being so fluctuating of late, but if your Excellency will grant a warrant on the Treasury for the amount of the following rough Sketch, partly guess work, I shall proceed immediately to purchase or if it is for a smaller sum I can be getting some made up till more can be purchased when the prices are ascertained. Your answer per first opportunity will oblige your Excellency's

Most Obedient humble Servant,

GEO. DOHERTY,

Cloth'r Cumberland Batt'n.

93 Hatts, at 10s.....	£ 46 10 00
93 Hunting Shirts, 2½ yds. each, 232½	
yds. at 2s.....	23 5 00
186 Shirts, 3½ yds. each, 64½ yards at 4s	128 4 00
186 Stocks, at 1s 6d.....	13 19 00
Lining, pocket & facing for Vest at 2	
yards each, is 186 yds., at 2s.....	18 12 00
93 Vest ¾ yd. Cloth each, 69¾ yards	
each at 20s.	69 15 00
93 Stocks Mohair, at 1s.....	4 13 00
93 Doz. Buttons, at 1s 6d.....	6 19 00
93 pr. Leather Breeches, at 40s.....	186 00 00
186 pr. Stockings, at 9s.....	83 14 00
186 pr. Shoes, at 16s.....	148 16 00
93 Good Blankets, at 30s.....	139 10 00

£869 17 00

Making 93 Hunting Shirts, at 2s 6d....£ 11 12 6

186 Shirts, at 4s..... 37 4 00

93 Vests, at 8s..... 37 4 00—£ 86 00 6

£955 17 6

HIS EXCELLENCY THE GOVERNOR OF NORTH CAROLINA, FROM
CHAS. THOMSON.

OFFICE OF SECRETARY OF CONGRESS,
October 27th, 1787.

SIR:

The United States in Congress assembled being informed that there is a probability that hostilities may have commenced, or are on the eve of commencing between the State of North Carolina and the Cherokee Nation of Indians, and between the State of Georgia and the Creek Nation of Indians, and being anxious to restore and preserve peace & harmony between the said State and the said Indians, have passed the resolutions and instructions which are herewith enclosed.

By these your Excellency will see that the States of North Carolina, South Carolina and Georgia are authorized each to appoint one Commissioner; that the said Commissioners in conjunction with the Superintendent of Indian affairs for the Southern Department, or in his absence by themselves, may negotiate a treaty for establishing peace between the United States and the Tribes of Indians in the Southern Department, and that a sum of money is appropriated for this business. It now rests with those States to give efficacy to these resolves and I am persuaded your Excellency will as far as in your power take the necessary steps for carrying into execution the good intentions of Congress.

With the greatest respect, I have the Honor to be,

Your Excellency's most Obedient & humble Servant,
CHAS. THOMSON.

GOVERNOR CASWELL FROM HONS. ARTHUR LEE & SAMUEL OSGOOD.

BOARD OF TREASURY,
November 8th, 1787.

SIR:

We do ourselves the honor of transmitting to your Excellency for the consideration of the Legislature of the State in which you pre-

side, the Requisitions of the United States in Congress for the present year, together with a Statement of arrears due from the State on the former Requisitions, computed to the 30th June, last.

It is with extreme regret that we inform your Excellency that the aggregate of the Specie Arrears to the period last mentioned is no less than 3,668,203 dollars. This circumstance, without the necessity of entering into a further detail, must convince every reflecting person of the Embarrassments to which the Federal Government has been for a long time subjected from the delinquency of the several States in paying their respective quotas into the public Treasury. Although the expenditures of the Civil list have been reformed in such a manner that it is with difficulty the business of the several Departments can be executed with proper dispatch and regularity, and the Military Establishment has been so much reduced as to be scarcely adequate to the Security of the public Arsenals, and the preservation of the Western Territories; still it is with the utmost difficulty that we have hitherto been able to satisfy with any degree of punctuality the immediate and necessary Expences of the Civil Department, and to pay part of the demands arising on the Military Establishment. To enable the General Treasury to compleat these two branches of the public Expenditure for the year 1786, and to provide for these under the same head for the year 1787, no less than Seven Hundred Thousand Dollars in Specie, are necessary. Unless this sum is collected without delay and paid into the General Treasury the States will be inevitably exposed to all the evils which would most assuredly attend the dissolution of the present form of Government, before any new system is adopted for binding together the different members of the Union, and those States which are peculiarly delinquent (as the enclosed Act of Congress very justly observes) be considered as responsible for the consequences.

Whilst the more pressing necessities of Government constrain us in a most peculiar manner, to mention the necessity of an immediate Collection of the Sum required for its Support, we should discharge a small part of the trust reposed in us if we omitted to solicit the influence of your Excellency in urging to the Legislature how much the National Character is interested in the discharge of the heavy arrears due on the French and Spanish Loans, which amounted at least to the Sum of 2,400,000 Dollars to the end of 1788, almost the whole of which is due to his Most Christian Majesty. When the present de-

ranged State of the Finances of that Kingdom is considered, and the necessity that Sovereign is under of imposing new and heavy Taxes upon his Subjects, We cannot but persuade ourselves the States will feel in the strongest manner how incumbent it is on them to make the utmost exertions to enable the General Treasury to discharge a balance so justly due, and so repeatedly promised.

Your Excellency will observe that no deficiency is Stated to be due on the Dutch Loans, but we are sorry to observe that such has been the reduced state of the Treasury that the Interest which fell due in June last has been discharged by a new loan of monies, on Terms much more unfavourable than could have been obtained if that punctuality had been observed in the discharge of the Foreign Interest, which those who subscribed to the Loans had a right to expect. The consequences flowing from the payment of Interest on old Debts by Contracting new ones are too obviously ruinous to require any comment. It gives us pain to observe that in comparing the Balance due from the State of North Carolina with those due from the other States, it becomes our duty to inform your Excellency that the State over which you preside is so particularly delinquent, that unless immediate and effectual exertions are made by the Government to pay these deficiencies in the General Treasury, the State must be ranked amongst those who will be responsible for all the Evils which will inevitably flow from a disregard to the political obligations by which they are bound to the other Members of the Union. This consideration must, we presume, make such an impression on the mind of every reflective person within the State to induce a Cheerful obedience to such Acts as the Legislature may Judge necessary to adopt for the immediate collection of as large a Sum in Specie as can be possibly raised in the course of the present and ensuing Year.

We have the Honor to be, with the Greatest respect,

Your Excellency's Most Obedient Humble Servants,
SAMUEL OSGOOD,
ARTHUR LEE.

GOVERNOR CASWELL FROM EDM. RANDOLPH.

RICHMOND, December 27, 1787.

SIR:

Pursuant to a Resolution of the General Assembly of the Commonwealth, I do myself the honour of transmitting to your Excellency two copies of their Act intituled "An Act Concerning the convention to be held in June next." One of them is enclosed for your own perusal, the other I wish to be submitted to the Legislature of your State.

I am Sir, with the highest respect,

Your Excellency's mo. ob. Servt.,

EDM. RANDOLPH.

MAJOR THOMAS EVANS TO RICHARD CASWELL.

NASHVILLE, Nov. 10th, 1787.

SIR:

I have the pleasure of informing your Excellency of my arrival at this place on the 16th of last month, with what troops was in my power to collect and bring forward, monthly returns of which I enclose your Excellency under this cover.

Let public Clamour or private prejudice say what they please, Confident I am that I have discharged the trust reposed in me with as much precision and punctuality as my abilities would admit, and Sensible I am that the reports which your Excellency received respecting my delays Eastward of the Mountains did not proceed from any person who wish myself, the service I am in, or the State which I was endeavouring to serve, any good will; however, be that as it will, conscious I am, that I have done my duty to the utmost of my power and can assure your Excellency that few men would have ever attempted to march the men I did from Holston, without a more ample supply than I was furnished with, as your Excellency will see by a return of Commissary & Qr. Masters transmitted to you by Mr. Markland, who left me with no other supply than what is contained in said return and not one Shilling of money, quite contrary to or-

ders, to perform a March of near four hundred miles and that cheerfully, thro' a wilderness and in a strange State where no supplies could be had either on public or private Credit. This was my situation when I arrived at Kentucky, was therefore obliged to furlough my men in order that they might work for a sufficiency of provisions to carry them to Nashville, which they did, and returned chiefly agreeable to my orders; after those and numbers of other disagreeable circumstances, which I think too tedious to trouble your Excellency with, I got here safe and occupied such post as have been assigned to me by the former Field officers of Davidson County. I do assure your Excellency that the men are so bare for want of every necessary of Cloathing, that unless they are supplied soon they will be entirely unable to perform any kind of duty & they murmur much that they have not got, or any prospect to get, what was promised them when they entered the Service, and are fearful of ever receiving them. Inclosed I send your Excellency a list of killed and wounded of the Inhabitants since my arrival here, the Indians have been very favourable to my men as yet, altho' I expect to be visited by them hourly. I am with every sentiment of respect,

Your Excellency's most Obedt. & very Humble Servant,
THOS. EVANS.

GOVERNOR CASWELL FROM ELIJAH ROBERTSON.

NASHVILLE, 25th Nov., 1787.

SIR:

By Major Evans' Express I am favoured with the opportunity of informing your Excellency of the hostile disposition of our Savage neighbours. On the 30th of October four men were killed between here and Kentucky near this settlement, they were uncommonly massacred with signs of war and cruelty. On the 2d Instant a man was dangerously wounded within a few steps of Col. Bledsoe's door. The day following a Negro boy taken prisoner within a few miles of the same place, but immediately released. On the 10th three men were killed and another wounded near the extreme parts of this settlement; I am informed about the same time several boats from the

Illinois and Falls of the Ohio, laden with Merchandise and bound for this place, were taken in the river and the men all killed, so that immigration and commerce seem to be finally stopt. In consequence of these alarming circumstances our officers, Civil and Military, collected together with a full determination that the perpetrators should not pass with impunity, but after serious and mature consideration concluded by endeavouring to pursue the enemy we might inadvertently fall upon those who possessed friendship to the United States, and by that means involve us in a war with the Choctaw and Chickasaw Nations. I therefore thought it might be most prudent to inform your Excellency of our present situation and am persuaded that Government or the honorable Continental Congress will interfere in our behalf, as it is beyond a doubt that those Savage barbarities are Countenanced and encouraged by a foreign Court.

I am Sir, with much Esteem and Regard,

Your Excellency's most Obedient Humble Servant,

ELIJAH ROBERTSON.

GOVERNOR CASWELL FROM MAJOR THOMAS EVANS.

NASHVILLE, Nov. 25th, 1787.

SIR:

When I wrote you my last which I expected would be handed your Excellency by Captain Hadley, who left this for the Assembly the 14th Inst., but losing his horses and his company leaving him he was obliged to return, have therefore dispatched Sergeant Dobbins with my Returns to you and the Pay Rolls of the Troops to the Pay Master & Treasurer, also with what intelligence I have to inform you of since my arrival here. Since my last the Savages have killed three men and wounded two, about thirty miles below the mouth of Red river. A Report prevails at present of the Savages intercepting some boats that were coming up this river to trade with us, all the people killed and the boats plundered. Shall inform your Excellency of every occurrence of that Nature that transpires.

Have sent Sergeant Dobbins off without one shilling of money as I had none to give him, and how he may get forward I know not,

have desired him to keep an exact account of his expences and shew them to your Excellency.

I am with Respect, your Excellency's

Most obedient & very humble Servant,

THOS. EVANS.

HIS EXCELLENCY THE GOVERNOR OF NORTH CAROLINA, FROM
GEORGE MILLER.

CHARLESTON, 13 December, 1787.

SIR:

His Britannic Majesty having honored me with the appointment of His Consul in the States of North Carolina, South Carolina & Georgia, & Congress having recognized my Commission under date of the 20th of October last, I take the liberty to request your Excellency that I may be announced in the State over which you preside, as soon as may suit your convenience, not doubting that Certified Copies of the Resolves of Congress have by this time reached your hands. Lest however I should be mistaken in this Conjecture, I enclose a Copy of the Gazette of this State wherein they are made publick; not that I expect your Excellency will proceed upon that, but merely for your satisfaction that I do not make an improper request.

I hope the period is not very far distant when I shall have an opportunity of paying my respects in person to your Excellency; meantime I have only to add that if in the execution of the Duties of my Office, Confidence, harmony and Friendship, can in any degree be cultivated & promoted between Great Britain and the United States, the greatest wish of my heart will be gratified.

I have the honor to be, very respectfully,

Sir, Your Excellency's most obedient & most hbl. Servant,

GEO. MILLER.

GOVERNOR SAML. JOHNSTON, FROM HONS. ALEX. MARTIN AND
JNO. SITGREAVES.

TARBOROUGH, 13th December, 1787.

SIR:

Agreeable to a vote of the General Assembly taken by joint ballot, we do ourselves the Honor of informing you that on the 12th Inst.

you were elected to the important office of Chief Majistrate of this State. Should the appointment meet your acceptance, we have it in command to request that you will please to give your attendance at this place as soon as possible in order to qualify and proceed on the duties of that Office. We have the Honor to be,

Your most Obedient Humble Servants,

ALEX. MARTIN, S. Senate,

JNO. SITGREAVES, S. Commons.

SAML. JOHNSTON TO THE HONBL. ALEX. MARTIN AND JNO. SITGREAVES, ESQUIRES, SPEAKERS OF THE ASSEMBLY.

HAYS, 14th Dec., 1787.

GENTLEMEN:

I have this evening the Honor of receiving your Letter informing me that the Assembly had done me the honor of electing me to the Important Office of Chief Majistrate of this State. Be pleased to signify to the Assembly the high sense I have of the very great and unexpected Honor they have conferred on me and that I am ready on this, as every other occasion, to comply with their wishes and to execute their commands, as far as my poor abilities can in any manner be useful to the public Service.

I will do myself the Honor to wait on the Assembly some day early in next week.

Be pleased to accept my thanks for the polite manner in which you are pleased to signify to me the Commands of the Assembly.

I have the honor to be, Gentlemen,

Your most obedient Servant,

SAML. JOHNSTON.

JAMES WHITE TO JAMES HOGG.

NEW YORK, 17th, 1787.

SIR:

I applied to the Secretary of Congress respecting Mr. Burke's attendance, according to your request. He referred me to the journals, & indeed, turned to them himself as being familiar in the dif-

ferent passages therein. He marked the dates on a bit of paper & I have sent it to you as he wrote it. I mentioned a *certificate* thereof, in form, to him, but he declined it, alleging the evidence of the printed journal was sufficient.

Any further commands you may have while I am here, I shall with much pleasure attend to.

By way of news, it is said the Prussians are likely to meet with some work in reinstating the stadholder, as a body of French troops are on their way to support the patriotic party.

If it is anywise interesting to you to hear, we expect a French minister will be added to the Consul of that nation; accordingly a count de Motier will shortly come over.

I am with much esteem, &c.,

JAMES WHITE.

GOV. JOHNSTON TO THE HONORABLE THE DELEGATES OF THE
STATE OF NORTH CAROLINA.

HAYS, 29th December, 1787.

SIR:

I have just received a Letter from the Secretary of Congress informing me that a sufficient number of States had not yet assembled to proceed to business, and that the State of North Carolina is one of those which remain unrepresented; at the same time stating a number of circumstances, shewing that the Honor and Interest of the United States required that Congress should be assembled as speedily as possible, and requesting that the Delegates from this State should come forward as soon as they can make it convenient.

I therefore hope and request that such of the Delegates as the Gentlemen appointed for the present year may have agreed on first to serve in Congress, may proceed with as little delay as possible to take their Seats in order that the delay of business may not be longer chargeable to this State.

I am with great Respect, Sir,

Your most obedient Servt.,

SAM. JOHNSTON.

EDENTON, 29th December, 1787.

SIR:

I am favoured with your letter of the 28th of November last with the Journals.

I have, agreeably to your Request, wrote to the Delegates of this State informing them of the necessity of their immediate attendance at Congress. I expect that Mr. White is with you before this, and that this State may be fully represented in Congress.

I am, with great respect & Esteem, Sir,

Your most obedient Servt.,

SAML. JOHNSTON.

HIS EXCELLENCY THE GOVERNOR OF NORTH CAROLINA FROM
WILLIAM WINDER.

RICHMOND, December 31st, 1787.

SIR:

The Board of Treasury have done me the honor to appoint me Commissioner under the Ordinance of Congress of the 7th of May last, to State the accounts of Virginia and North Carolina against the United States. The Ordinance requires that this business should be expeditiously performed; the accounts of this State are already under examination, and I would immediately proceed to North Carolina but cannot learn where your public accounts are kept.

Permit me therefore to request that your Excellency will please to favour me with a line by an early conveyance, informing me where it will be most convenient to exhibit the accounts of North Carolina against the United States, for the purpose cited in the above mentioned ordinance. With the most perfect respect, I have the honor to be

Your Excellency's Most Obedient Servant,

WILLIAM WINDER.

SAMUEL JOHNSTON TO — ————

EDENTON, 2d January, 1788.

SIR:

You will be pleased to send me as soon as possible the Council Journals and other Documents lodged in your Office and directed by the Assembly to be delivered to me, and also copies of such as the Resolves of the General Assembly entered in the Journals of the Senate, as it may be necessary for the Executive immediately to carry into effect.

I am Sir,

Your most obedient Servant,

SAML. JOHNSTON.

